

# **WATERFOWL BLIND LAW REVIEW AND RECOMMENDATIONS**

January 2001

Report Prepared by:

THE WATERFOWL BLIND REGULATION ADVISORY COMMITTEE

## **PREFACE**

This report is the product of the Waterfowl Blind Regulation Advisory Committee's review of current Virginia waterfowl blind laws and regulations. The Department of Game and Inland Fisheries established the Waterfowl Blind Regulation Advisory Committee as a result of concerns expressed by the public about the application of blind laws and the impact blind laws have on the quality of waterfowl hunting east of Interstate 95.

This report contains a summary of the committee's findings and reflects areas where there was agreement (consensus), areas where agreement could not be reached, and a review of issues beyond the scope of the committee.

I wish to recognize the individuals of the advisory committee who contributed their time and expertise to this effort. The members of the advisory committee were: Glen Askins, Paul Atkins, Mike Bise, Roger Buyn, Keith Cheatham, Dr. Herbert Claiborne, Dr. Gary Costanzo, Steve Garvis, Mike Harris, Brad Howard, Gordon Martin, Bob Mathers, Jim McInteer, Jack Randolph, Jerry Sims, Harrison Tyler, Hunter Vermillion, Phil West, and Bobby Woolfolk.

I also would like to thank Ken Perry for his assistance on developing materials for the Advisory Committee and arranging and preparing the meeting facilities.

Robert Ellis  
Chairman

## TABLE OF CONTENTS

Preface.....	Page i
Table of Contents.....	ii
Executive Summary.....	1
Study Design.....	4
Introduction.....	7
Virginia Law: Licenses for Waterfowl Blinds.....	9
Local Legislative Acts.....	10
Waterfowl Blind Laws Public Survey.....	11
Conclusions and Summary.....	16

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TABLE	TITLE	PAGE
1	Summary of waterfowl blind survey response.....	15

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FIGURE	TITLE	PAGE
1	Suggested Blind Diagrams.....	19

APPENDIXES	TITLE	PAGE
Appendix I	Article 2. Licenses for Waterfowl Blinds and Hunting Waterfowl. Suggested Revisions.....	23
Appendix II	Rational for Suggested Revisions to Article 2 Licenses for Waterfowl Blinds and Hunting Waterfowl.....	29
Appendix III	Local Legislative Acts Part 8. Waterfowl.....	37
Appendix IV	Local Legislative Acts. Summary and Rationales for Changes. Part 8. Waterfowl.....	43
Appendix V	Sample Waterfowl Blind Questionnaire.....	47
Appendix VI	Waterfowl Blind Questionnaire Results.....	55
Appendix VII	Waterfowl Blind Survey : Written Comments.....	69
Appendix VIII	Sub-committee Reports:.....	87
	Survey Summary.....	91
	Local Legislative Acts.....	93

## **EXECUTIVE SUMMARY**

The Virginia Department of Game and Inland Fisheries (VDGIF) established the Waterfowl Blind Regulation Advisory Committee in April 1998 to review current waterfowl blind laws (Title 29, Chapter 3, Article 2 and in Division II Local Legislative Acts, Part 8 Waterfowl) and regulations to assess their appropriateness and usefulness in promoting the utilization and conservation of the waterfowl resources in Virginia.

The committee membership consisted of individuals from the public who had an interest in waterfowl blind laws through either previous contact with the Department or through recommendations from Department field staff based on their knowledge of an individual's background (i.e., landowner, stationary blind hunter, float blind hunter, etc.). Department staff from the Wildlife Division and Law Enforcement Division were invited to be members based on their expertise or association with blind laws in their work area. The Department attempted to get a cross representation of views and hunting methodologies when selecting members.

The Committee met nine times in a three year period to review the history of Virginia's waterfowl blind laws and regulations and their application in waterfowl hunting. During this time the committee drafted Code revisions, reviewed local legislative acts and Department regulations in an attempt to achieve a consensus on the issues.

The committee also decided that there was a void in the information available concerning the opinions of waterfowl hunters on the subject. A survey was developed by the committee and mailed to a sample of 3,000 waterfowl hunters and stationary blind license holders. Names and addresses of survey recipients were selected at random from the list of hunters that registered for the Harvest Information Program (HIP) permit.

The Waterfowl Blind Regulation Advisory Committee offers the following recommendations:

### Recommendation I:

That the Department should encourage and support legislation in the General Assembly that would address the statutory revisions found in Appendix I. These revisions make needed improvements to the laws relating to "Licenses for Waterfowl Blinds and for Hunting Waterfowl" without affecting the "rights" of riparian and non-riparian landowners. The Committee's rational for each change is contained in Appendix II.

### Recommendation II.

That the Department should encourage and support legislation in the General Assembly that would repeal the following local legislative acts: L8-2, L8-3, L8-4, L9-1, L9-2, and L9-3. The Committee also recommends that L8-1 be repealed, but then codified in §29.1-350. Appendix IV provides the Committee's rational for each local legislative act recommendation.

### Recommendation III.

The committee could not come to a consensus on the following issues but recommends that the Department give them continued attention:

1. Blind allocation. This committee is unable to agree on any substantive recommendations regarding how blinds are allocated. Lack of progress in this area was due, in part, to the committee's inability to fully understand or agree on the legal relationship between blind laws and riparian rights. Owners of riparian rights represented on the committee and in the audience at times believed their riparian rights provided them, as a matter of (property) law, a prior or exclusive "right" to hunt waterfowl in the state's public waters. Several of the members disagreed, and held the view that such "rights" are not property rights at all, but rather are privileges to hunt waterfowl provided by law and subject to revision by the General Assembly.
2. Hunting distance from an unoccupied, licensed stationary blind. HB 901 (2000 session) and respondents to the Department's survey indicated support for lessening the distance one can hunt from an unoccupied, stationary blind. While the proposal has appeal and if enacted might provide more opportunity for waterfowl hunting, one speaker indicated that if the law were changed, current license holders would negate its intent by simply licensing and building more stationary blinds, every 250 yards if necessary.
3. Blind definition. The committee did agree to the statutory language change suggested in §29.1- 341, but could not agree on whether Department regulation (4VAC15-260-10) should be amended to prescribe dimensions for a stationary blind. Some members viewed the proposed statutory language and current regulation as sufficient; others felt the Department should be more explicit in what a stationary blind is – and is not. The committee suggests that the Department recommend the statutory law change, that diagrams of acceptable blind construction be provided with every blind license sold, (see Figure 1), and that the Department review further the need to modify its regulation to prescribe a dimension.
4. Building a blind by November 1. A suggestion was offered to require riparians to build a blind by some earlier date, thereby giving non-riparians an opportunity to license and build a blind between the new, earlier deadline for riparians and their current November 1 deadline. While the suggested change appeared to be reasonable and if enacted might have provided more opportunities for waterfowl hunting, some members indicated that if the law were changed, current riparians would simply respond by building more stationary blinds on licensed sites, even if they did not intend to use them. This apparent "reality" caused some to lose interest in this proposal. For others, it underscored the need for more substantive changes.

### Other Issues

Some issues either fell outside the scope of the committee's study or were not adequately explored because of time constraints. The committee recommends that the Department explore these ideas with the charge and goal of the Committee in mind. In its review, the committee recommends that the Department consider:

1. New and innovative ways in which the state's existing public land and water resources might be utilized to provide or expand hunting opportunities;
2. Opportunities to purchase or lease more land/marsh for waterfowl hunting;
3. Facilitating hunting opportunities in places where waterfowl (mainly geese) are a problem – on private and public lands and waters; and
4. Providing more hunter access to public waters via boat ramps, etc..

## STUDY DESIGN

The Waterfowl Blind Regulation Advisory Committee, established by the Department, was formed in 1998. Members of the public were asked to serve based on their interest in waterfowl blind laws through either previous contact with the Department or through recommendations from our field staff on their knowledge of an individual's background (i.e., landowner, stationary blind hunter, float blind hunter, etc.). Department staff from the Wildlife Division and Law Enforcement Division were invited to be members based on their expertise or association with blind laws in their work area. The Department attempted to get a cross representation of views and hunting methodologies when selecting members. The following people served as members of the Waterfowl Blind Regulation Advisory Committee:

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The Waterfowl Blind Regulation Advisory Committee met nine times at the VDGIF's headquarters in Richmond, Virginia. Their actions are summarized below. Although not all members were able to attend each meeting, meeting minutes were made available to each member and they were afforded the opportunity to comment via email, mail or phone.

#### First meeting

April 8, 1998

The first meeting established the charge and goal of the Committee. There was general discussion on the history of blind laws and their purpose. Members were asked to identify problems they perceived with the current blind laws and ways of promoting waterfowl hunting. The committee then proceeded to review existing Code sections.

#### Second meeting

June 10, 1998

The second meeting was devoted to reviewing proposed Code changes to Code sections as discussed in the first meeting.

#### Third meeting

August 12, 1998

The third meeting was devoted to reviewing revised versions of Code sections and a review of the local legislative acts concerning blind laws. The committee felt the main issues of contention and non-consensus were: 1) hunting distance from occupied and unoccupied blinds, and 2) riparian ownership rights. A suggestion was made to ask questions on a survey of harvest information program (HIP) registered hunters to obtain the public's view on these issues.

#### Fourth meeting

December 12, 1998

The fourth meeting centered around discussions on the committee's role in proposing future legislative changes. David Whitehurst, legislative liaison for the Department, spoke to the committee on the procedures for presenting law changes to the General Assembly. The committee agreed that they did not have enough information to request changes at this time. The committee continued to review the local legislative acts. The committee unanimously voted to continue working toward resolution of the blind law changes and to develop a survey to address questions and issues surrounding the blind laws. Members were asked to develop sample questions before the next meeting.

#### Fifth meeting

April 6, 1999

The fifth meeting was devoted to a presentation on survey sampling techniques by David Steffen, Wildlife Biologist, VDGIF. Following this meeting a period of inactivity occurred for the committee.

April 7, 2000: Draft questions mailed to committee members.

Sixth meeting

July 13, 2000

The sixth meeting was devoted to reviewing preliminary survey results. Department Director, William L. Woodfin, Jr., addressed the committee identifying key points or charges for the committee. Sub-committees were formed to look at survey results and identify consensus areas, finalize a report on the local legislative acts, and to develop an enforceable definition of a stationary blind.

Seventh meeting

August 15, 2000

The seventh meeting was devoted to the presentation of sub-committee reports on the local legislative acts, survey summary, and stationary blind description.

Eighth meeting

September 12, 2000

The eighth meeting was devoted to a final review of the survey results and a more detailed explanation of the stationary blind description. The group came to a consensus on several items and suggested additional revisions to Code sections. Report writing was scheduled for the month of November.

Ninth meeting

December 14, 2000

The ninth meeting was devoted to reviewing the draft report.

## INTRODUCTION

In April of 1998, the Department was approached concerning issues with waterfowl blinds in certain portions of Northern Virginia, specifically, the placement of stationary waterfowl blinds by non-riparian owners in public waters adjacent to dwellings. A small committee of Department personnel from the Enforcement and Wildlife Divisions was established to examine the issue. Several questions then arose from the group concerning current blind laws and their application.

Concurrent to the above issue, several constituents approached the Department with complaints concerning the misuse of the current blind laws. Specific complaints included poorly maintained or constructed blinds that could not reasonably be identified as “hunnable blinds”, the placement of licensed blind stakes without construction of a blind by the appropriate time, and the licensing and construction of blinds by individuals who have no intention of hunting from them. These constituents felt that the blind laws were being used to prohibit or impede lawful hunting in the state’s public waters. Additionally, local legislative acts that appeared to be unnecessary and redundant were identified as obstacles to providing opportunities for hunting waterfowl.

Recognizing these issues as being important to the citizens of Virginia and specifically to the continued traditions of duck hunting in Virginia, the Department established the Waterfowl Blind Regulation Advisory Committee comprised of private constituents and Department personnel. The goal of the committee was to look at ways of improving waterfowl hunting opportunities in Virginia while coexisting with other uses of the waterfowl resources. To accomplish this goal the committee was given the charge to:

“Review current waterfowl blind laws and regulations to assess their appropriateness and usefulness in promoting the utilization and conservation of the waterfowl resources in Virginia.”

Waterfowl blind laws were enacted in 1950 under Title 29, Ch.5, Article 3. They were enacted to conform to the Congressional Treaties with Great Britain in 1918 and with Mexico in 1936 which obligated the United States to take measures for the preservation of migratory birds. The legislative purpose of the waterfowl blind laws in Virginia, referred to at that time as the “duck blind statutes”, was to conserve waterfowl, protect the safety of hunters and others and promote better sport and recreation.

Provisions under Article 3 made it unlawful to hunt migratory waterfowl in the public waters of Virginia from unlicensed blinds and without a license to hunt (29-81), prescribed the kinds of blinds and how they may be used (29-82, 29-83, and 29-87), exempted Accomack, Northampton, York and Princess Anne counties from the provisions (29-91), specifically afforded riparian owner prior rights to license stationary blinds, prohibited the location of blinds by non-riparian licensees within stated distances of the blinds of the riparian owner (29-85) and provided non-riparian owners certain rights for the placement of stationary blinds (29-86).

Shortly after their enactment in 1950, the duck blind laws were challenged on the grounds that the priority rights of riparian owners were unconstitutional (Avery vs. Beale, 1954). The statutes were upheld and viewed as reasonable enactments for the conservation of migratory waterfowl, the promotion of better sport and the protection of hunters and others using the public waters. Since that court case, no other challenges have been made, however, revisions were made to various Code sections in 1964, 1970, 1987, 1992 and 1993. Currently, waterfowl blind laws are found in Title 29, Chapter 3, Article 2 and in Division II Local Legislative Acts, Part 8 Waterfowl.

Over the years, blind laws have been characterized as complex, confusing, restrictive, abused, discriminatory, unenforceable and limiting public participation. The Waterfowl Blind Regulation Advisory Committee's role was to identify these areas in order to address these concerns. The committee met nine times over a three year period to review the history of Virginia's waterfowl blind laws and their application in waterfowl hunting. During this time, the committee drafted Code revisions, reviewed local legislative acts and Department regulations in an attempt to achieve a consensus on the issues. The committee also decided that there was a void in the information available concerning the opinions of waterfowl hunters on the subject. A survey was developed to ask specific questions of waterfowl hunters concerning blind laws and their effect on waterfowl hunting.

This report contains the summary of the committee's findings and reflects areas where there was agreement (consensus), areas where agreement could not be reached, and a review of issues beyond the scope of the committee.

**VIRGINIA LAW**  
**LICENSES FOR WATERFOWL BLINDS AND HUNTING WATERFOWL**  
**(VA. CODE §29.1-340 – 351.1)**

The Waterfowl Blind Regulation Advisory Committee reviewed all Code sections under Title 29.1, Article 2. Code sections were revised to remove language that was confusing or unnecessary and sections were combined or new sections created to simplify where appropriate. Overall, the committee was able to reach consensus on the changes reflected in the revised Code sections listed in Appendix I. The committee recommended modifications to all the sections in Article 2 except for §29.1-351.1. The committee's rationale for each change is found in Appendix II. None of the suggested changes substantially altered the original intent of the laws with the exception of the definition of a floating blind.

The committee clarified the definition of a floating blind to include any lawful floating device used for the purpose of hunting and shooting waterfowl. This would require the licensing of boats that were not licensed in the past. With this change, the committee also recommended a reduction in the floating blind license fee from \$35 to \$17.50 (the same as the cost of a stationary blind license). The committee saw no reason to differentiate between the two groups.

The issues and concerns expressed to the Department on the placement of blinds near dwellings, the "non-huntable" stationary blinds (dummy blinds), the licensing of blind stakes without the construction of a blind to prohibit encroachment by other stationary blind hunters and the licensing and construction of stationary blinds by individuals who had no intention of hunting from them (again, a "dummy blind") were discussed by the group at great length. The committee discussed using blind dimension criteria to define a legal blind. Although thought provoking, the committee could not come up with a workable application for dimensions. The committee did recommend that diagrams of acceptable blind construction be provided with every blind license sold. A suggestion to amend §29.1-345 requiring that stationary blinds may not be located closer than 200 yards from an occupied dwelling without the written consent of the riparian owner was discussed. Concerns were raised by members of the group that the amended law may be needed in isolated incidences but may set an unacceptable precedent for other areas.

In addition, the concern that blind laws were being used to prohibit or impede lawful hunting in many public areas was also addressed. This centered around the argument that "dummy blinds" were never intended to be occupied but instead were licensed to prohibit the encroachment of float blind hunters or non-riparian blind owners. The committee discussed ways to mediate these concerns by drafting a tighter definition of a stationary blind and by indicating that stationary blinds could only be licensed for the purpose of hunting waterfowl.

## **LOCAL LEGISLATIVE ACTS**

### **PART 8**

### **WATERFOWL**

Local legislative acts are laws that have been enacted by the General Assembly of Virginia (Appendix III). These acts apply to specific geographical areas (i.e., counties or specific waterways, and as they apply to wildlife, generally regulate hunting, taking of wildlife, etc., in a geographical area). Local legislative acts differ from local ordinances in that local ordinances are regulations adopted by municipalities such as cities, towns or counties. The General Assembly has empowered localities to adopt local ordinances that regulate firearms and/or prohibit hunting in areas where safety is of concern.

A sub-committee of the Waterfowl Blind Regulation Advisory Committee was established to review the local legislative acts that applied to waterfowl hunting. The sub-committee's report and recommendations are found in Appendix VIII of this report and were approved by the full committee. Many local acts were deemed inappropriate since they were not supported by Code or the acts referenced Code sections that no longer exist. Many are antiquated and are now duplicated by local ordinances. The committee recommended repealing Local Legislative Acts Part 8 in its entirety in keeping with the committee's charge to simplify waterfowl blind laws. The committee recognized the need to maintain the language in section L8-1, but recommended the protection afforded by this section could be accomplished by amending VA Code section §29.1-350. The committee's summary and recommendation on each act and suggested wording of §29.1-350 appears in Appendix IV.

## **Waterfowl Blind Laws Public Survey**

### Purpose

There were several objectives in conducting a survey of waterfowl hunters' opinions concerning blind laws. The Department continually receives questions and comments about blind laws. These most often include concerns that blind laws are difficult to understand, that they are abused and are too hard to enforce, or that they unfairly limit the public's use of public waters. These types of comments are generally received from hunters who are dissatisfied with the current blind laws and want them changed. Fewer comments are generally received from hunters who are satisfied with the blind laws. However, positive comments generally indicate that some hunters feel blind laws help limit disturbance to waterfowl and prevent encroachment from other hunters. A specific survey on blind laws would help get a better understanding of hunter opinions and a more representative sample of all Virginia waterfowl hunters. In addition, the Blind Laws Advisory Committee was charged with evaluating the blind laws to determine if they could be simplified or if any changes could be made that would enhance public hunting opportunities. The survey could be used to evaluate what changes Virginia hunters would support.

### Survey Design

The survey questions were developed by the Advisory Committee. The survey consisted of 19 questions that included 85 individual responses (Appendix V). It included questions to evaluate the demographic composition of Virginia waterfowl hunters, along with specific questions about blind law issues.

Surveys were mailed on June 6, 2000 to a sample of 3,000 waterfowl hunters and stationary blind license holders. Names and addresses of survey recipients were selected at random from the list of hunters that registered for the Harvest Information Program (HIP) permit. All migratory birds hunters have been required to register for the HIP permit since the start of the 1998 hunting season. In registering for HIP, hunters must identify the migratory game bird species they hunted during the previous season, and those species they are likely to hunt in the coming year. There were 11,250 HIP registrants that identified themselves as waterfowl hunters during the 1999-2000 season. Those not registered in HIP were not in the population of hunters from which the survey sample was drawn. Of the 3,000 surveys mailed, 1,230 were returned for a response rate of 42.4% (Table 1).

### Survey results

Survey results of all respondents are summarized in Appendix VI. Results indicated that waterfowl hunters in Virginia averaged 44 years of age and had been hunting waterfowl an average of 23 years. Fifty-four percent of those surveyed lived east of Interstate 95, where blind laws are in effect, but 73% of the survey respondents indicated that they had hunted east of I-95. Riparian landowners comprised 23% of the waterfowl hunters surveyed. Survey results indicate that on a statewide basis, approximately 25% of the waterfowl hunting is done from licensed stationary blinds, 25% is done from stationary blinds where no license is required (can be east of I-95, west of I-95 or on the eastern shore), 20% is done from floating blinds, and 30% is done without a blind (walk-in or jump shooting). VDGIF records show that 2,533 stationary blind licenses and 740 floating blind licenses were purchased in 1999-2000.

In attempts to quantify the results of the survey, a subcommittee was established to evaluate the responses and identify what issues were most important. The subcommittee decided that any question that received a 67% or greater response would be considered a significant opinion and should be evaluated for potential modifications. Those issues are identified in this summary, however, other issues that did not meet that requirement are also discussed.

Survey respondents indicated that the biggest constraint to their waterfowl hunting opportunities was having no place to hunt (81% of respondents). Other important constraints included limited time (66% of respondents) and concerns about violating laws or regulations (62%). Seventy-three percent of respondents indicated a need for more public waterfowl hunting opportunities and 65% indicated they would hunt ducks east of I-95 more often if there were more public hunting opportunities. A majority of the respondents (>60%) indicated that waterfowl population levels or equipment needs were not significant constraints to their waterfowl hunting opportunities.

Survey results were conflicting on some issues. When asked if blind laws should be changed to allow more public hunting opportunity, 53% agreed (23% disagreed, 24% neutral). In addition, 53% of the respondents agreed that blind laws restrict the public's opportunity to hunt on public waters (21% disagreed and 26% were neutral). When asked if blind laws in general were working adequately, only 39% agreed (32% disagreed). [However, when asked if blind laws in general should be changed, only 34% agreed (34% disagreed).]

Survey respondents agreed that current blind laws did provide some important benefits including preventing encroachment from other hunters (69%) and providing protection for the marsh (57%). Only 42% of the respondents thought blind laws were difficult to understand, and an even smaller percentage felt that blind laws were abused (33%) or unenforceable (16%).

Survey recipients were asked their opinion about a number of changes to the current blind laws that might help provide more public hunting opportunities. Reducing the distance required to hunt from a licensed stationary blind has been one of the issues that has generated a lot of discussion in the past. None of the changes proposed in the survey were supported by a two-thirds majority. Fifty-two percent of the respondents opposed reducing the distance required to hunt from an occupied licensed stationary blind (34% supported). When asked what they felt was the most appropriate distance given a choice of 250, 300, 400, 500, or greater than 500 yards, the most popular was 500 yards (58% supported).

Fifty-five percent of the respondents did support reducing the distance required to hunt from an unoccupied licensed stationary blind (34% did not support). When asked in a separate questions what was the most appropriate distance to hunt from an unoccupied licensed blind given the same choices as above, respondents supported 250 yards the most (62%).



Respondents were asked their opinion about the impact of reducing the current 500-yard distance on a number of different issues. None of the concerns presented received a two-thirds majority support. Those issues that ranked the highest included safety concerns related to others hunting too close (64% agreed), and that reducing the distance would diminish the quality of the hunting experience (58% agreed). There was no consensus on other issues such as: it would increase noise, it would increase disturbance to waterfowl, or it would be detrimental to the marsh. Sixty-two percent of the respondents agreed that reducing the distance could provide more places to hunt (18% disagreed).

There was little support for eliminating all blind laws or for extending blind laws to other areas of the state where they do not currently exist.

A separate analysis was conducted to try to evaluate differences on blind law issues between different categories of hunters. Survey results indicated that of all waterfowl hunting east of I-95 (but excluding the Eastern Shore where blind laws are not in effect), 45% is done from licensed stationary blinds, 22% is done from blinds that do not require a license, 19% is from licensed floating blinds, and 22% is done without the use of a blind (shore or jump shooting). It is difficult to separate all hunters into specific categories such as "licensed blind" hunters, "float blind" hunters, or "non-blind (jump)" hunters because many hunters don't just use one method but may hunt using a variety of techniques. However, for the purposes of this analysis, responses were separated into those received from hunters (east of I-95) that identified themselves exclusively as licensed stationary blind hunters only (n = 170), licensed floating blind hunters only (n = 42), and "jump shooters" only (those that did not use licensed floating or stationary blinds to hunt n = 100).

The licensed stationary blind hunter group (n = 170) was generally opposed to changes that would relax some of the current blind laws. This group was opposed to reducing the distance required to hunt from an occupied licensed stationary blind (75%), and 79% agreed that the distance should be 500 yards. This group was also opposed to limiting the number of stationary blind licensed allowed (68%). This group was not as strongly opposed to reducing the distance from an unoccupied blind (57%) as it was from an occupied blind (75%).

Float blind hunters (n = 42) did not strongly support (48%) or oppose (43%) reducing the distance required to hunt from an occupied licensed stationary blind and they generally supported the distance of 500 yards (58%). However, the group did support (81%) reducing the distance required to hunt from an unoccupied blind, and 84% supported the 250 yard distance. The group had no consensus on reducing the number of stationary blind licenses allowed (40% support, 22% neutral, 38% oppose).

Jump shooters (those that did not use a licensed stationary blind or floating blind to hunt, n = 100) had no consensus on reducing the distance required to hunt from an occupied licensed stationary blind (33% support, 28% neutral, 39% oppose). This group generally supported reducing the distance to an unoccupied licensed stationary blind (63% support, 20% oppose), but not as strongly as the float blind hunters. The distance most supported was 250 yards (66% support).

This group had no consensus on reducing the number of stationary licensed blinds allowed (23% support, 39% neutral, 37% oppose).

#### Additional Comments

Space was provided on the survey form to provide additional written comments if the respondent desired. From the 1,230 completed surveys that were returned, 317 written comments were provided. Of these, 89 were not relevant to blind laws. Of the remaining 228, 26 (11%) expressed satisfactions and 202 (89%) expressed dissatisfaction with the current blind laws. Of these 202 dissatisfied respondents, 41(18%) wanted further protection of riparian landowner rights, while 171 (85%) expressed dissatisfaction at how current blind laws restrict hunting access on public waters.

Within the group dissatisfied with restricted access, three major issues were apparent: landowners or hunt clubs should be restricted to a certain number of blinds, inadequately constructed blinds or stakes with no blinds should not be allowed to prevent hunter access, and hunters should be allowed to hunt near unoccupied blinds (although there was no consensus on a desired distance).

These comments must be interpreted with caution. Statistically, written statements are rarely an accurate representation of the survey population. Those hunters dissatisfied with the current blind laws may be more apt to submit comments than those who are more satisfied. They do indicate, however, that this issue is quite important to waterfowl hunters. Comments also highlighted other issues the Advisory Committee is dealing with, including "dummy blinds".

Another interesting aspect of the survey was the interest it generated among waterfowl hunters, both those who had received a survey and those who had not. Most survey recipients who commented were supportive of the survey and the opportunity to voice their opinion. We received numerous comments from hunters that had not received a survey. Those comments included concerns about why they had not receive a survey, how and why were we going to change the blind laws, and what their opinions of the blind law issues were.

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**Table 1. Summary of waterfowl blind survey correspondence.**

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Surveys mailed:	June 6, 2000
Number of HIP registered duck hunters:	11,477
Number of surveys mailed:	3,000
Number of surveys non-deliverable:	102
Total number of surveys delivered:	2,898
Number of completed surveys returned:	1,230
Effective response rate:	42.4%

## **Conclusions and Summary**

The recommendations and comments that follow relate to laws governing waterfowl blinds, specifically, and waterfowl, generally.

The Waterfowl Blind Regulation Advisory Committee's recommendations and comments are provided in three parts. Areas where there was agreement are presented first. Areas where the committee could not reach consensus are presented in the second part. These issues may require the Department's continued attention if the goal of improving hunting opportunities is to be realized for all Virginians.

Issues that either fell outside the scope of the committee's study or the committee did not have time to adequately explore are listed in the third section. These issues may also require the Department's continued attention if the goal is to be realized.

### **I. Areas of Consensus – Where There Was Agreement**

1. The Committee recommends that the Department include in a legislative package to the General Assembly those statutory revisions found in Appendix I. These revisions make needed improvements to the laws relating to "Licenses for Waterfowl Blinds and for Hunting Waterfowl" without affecting the "rights" of riparians and non-riparians (see Chapter 3, Article 2 of §29.1). The Committee's rational for each change is contained in Appendix II.
2. The Committee recommends that the Department include in a legislative package to the General Assembly repeal of the following local legislative acts: L8-2, L8-3, L8-4, L9-1, L9-2, and L9-3. The Committee also recommends that L8-1 be repealed, but then codified in §29.1. Appendix IV provides the Committee's rational for each local legislative act recommendation.

### **II. Areas Where Agreement Could Not Be Reached**

While the recommendations above make needed statutory improvements, some members of the committee felt more substantive changes must occur if the committee's charge was to be met and their goal realized. Not surprisingly, the Committee struggled with a number of issues and proposals that offered more substantive change than what has been recommended above. Members anticipated this when they started, but also realized that it would be preferable to resolve these issues "internally", if at all possible. The committee could not.

The committee asks that the Department be mindful of their discussions and give these issues continued attention.

**1. Blind allocation.** This committee was unable to agree on any substantive recommendations regarding how blinds are allocated. Not unexpected, those with riparian “rights” favor the law much as it is. Others sincerely believe that unless more substantive changes are made in the way blinds are assigned, no real opportunities for the public to hunt will be provided by the committee’s work. Lack of progress in this area was due, in part, to the committee’s inability to fully understand or agree on the legal relationship between blind laws and riparian rights. Owners of riparian rights represented on the committee and in the audience at times believed their riparian rights provided them, as a matter of (property) law, a prior or exclusive “right” to hunt waterfowl in the state’s public waters. Several of the members disagreed, and held the view that such “rights” are not property rights at all, but rather are privileges to hunt waterfowl provided by law and subject to revision by the General Assembly.

**2. Hunting distance from an unoccupied, licensed stationary blind.** HB 901 (2000 session) and respondents to the Department’s survey indicated support for lessening the distance one can hunt from an unoccupied, stationary blind. The bill and survey results suggest a minimum distance of 250 yards as being reasonable, but current stationary blind license holders objected to any change. While the proposal has appeal and if enacted might provide more opportunity for waterfowl hunting, one speaker indicated that if the law were changed, current license holders would negate its intent by simply licensing and building more stationary blinds, every 250 yards if necessary.

**3. Blind definition.** The committee did agree to the statutory language change suggested in §29.1- 341, but could not agree on whether Department regulation (4VAC15-260-10) should be amended to prescribe dimensions for a stationary blind. Some members viewed the proposed statutory language and current regulation as sufficient; others felt the Department should be more explicit in what a stationary blind is – and is not. The committee suggests that the Department recommend the statutory law change, that diagrams of acceptable blind construction be provided with every blind license sold (see Figure 1), and that the Department review further the need to modify its regulation to prescribe a dimension.

**4. Building a blind by November 1.** Considerable debate arose early regarding providing opportunities for non-riparians to license and build a blind in areas where riparians have staked and licensed a blind site, but have not built a blind by November 1. A suggestion was offered to require riparians to build a blind by some earlier date, thereby giving non-riparians an opportunity to license and build a blind between the new, earlier deadline for riparians and their current November 1 deadline. While the suggested change appeared to be reasonable and if enacted might have provided more opportunities for waterfowl hunting, some members indicated that if the law were changed, current riparians would simply respond by building more stationary blinds on licensed sites, even if they did not intend to use them. This apparent “reality” caused some to lose interest in this proposal. For others, it underscored the need for more substantive changes.

### **III. Issues Beyond The Scope of This Study/Limited Time For Review**

Some issues either fell outside the scope of the committee's study or were not adequately explored because of time constraints.

The committee recommends that the Department explore these ideas with the charge and goal of the Committee in mind. In its review, the committee asked the Department to consider:

1. New and innovative ways in which the state's existing public land and water resources might be utilized to provide or expand hunting opportunities;
2. Opportunities to purchase or lease more land/marsh for waterfowl hunting;
3. Facilitating hunting opportunities in places where waterfowl (mainly geese) are a problem – on private and public lands and waters; and
4. Providing more hunter access to public waters via boat ramps, etc..

# FIGURE 1







# APPENDIX I

## Article 2

### Licenses for Waterfowl Blinds and Hunting Waterfowl

#### Suggested Revisions

#### **§ 29.1-340. Hunting waterfowl from unlicensed blinds and without ~~season~~ license the required licenses to hunt**

Except as provided in 29.1-344.1 and 29.1-350, it shall be unlawful to hunt migratory waterfowl on the public waters and from the shores of the public waters east of Interstate Route 95 in the Commonwealth from unlicensed stationary or floating blinds.

For the purposes of this article, the term "public waters" means public waters which are navigable in fact. Any person hunting waterfowl shall also have ~~a season~~ the required licenses to hunt.

#### **§ 29.1-341. Stationary blinds defined**

A. Stationary blinds shall mean and include blinds structures erected, at a fixed location, either on the shores of the public waters or in the public waters for the sole purpose of hunting and shooting waterfowl therefrom.

B. A stationary blind shall be (i) of such size and strength that it can be occupied by and conceal one or more hunters, or (ii) large enough to accommodate and conceal a boat or a skiff from which one or more hunters intend to hunt and shoot waterfowl from. at a fixed location the required distance from other blinds and shall include brush or stake blinds, or any other stationary blinds permitted by law. Clubs or individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.

#### **§ 29.1 -341.1. Number of stationary blinds permitted**

Clubs or individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season.

#### **§ 29.1-342. Floating blinds defined**

A. Except as provided in subsection B, fFloating blinds shall mean lawful floating devices, whether in motion or not, used for the purpose of hunting and shooting waterfowl therefrom.

B. Floating devices used (i) to pursue a visible crippled waterfowl which was legally shot by the person or (ii) as a platform over water from which to hunt and shoot waterfowl from while in a licensed stationary blind shall not come under the meaning of this section. floating blinds permitted by law in the public waters.

C. Floating blinds ~~They~~ may be used in any position in public waters at different locations from day to day if the blind is ~~anchored~~ the required distance from any other stationary blind, unless agreed otherwise between the parties. ~~Licenses for floating blinds shall be limited to two floating blinds in any one season, to any one applicant.~~

#### **§ 29.1-343. Fees for waterfowl blind licenses**

The fees for waterfowl blind licenses shall be as follows:

1. For a stationary blind erected in the public waters or on the shores of the riparian owner to shoot over the public waters, seventeen dollars and fifty cents.
2. For a floating blind, in the public waters, to shoot over the public waters, ~~thirty-five dollars.~~  
seventeen dollars and fifty cents.

#### **§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights; when licenses obtained**

A. Each year, the owners of riparian rights, their lessees or permittees shall have the *exclusive* privilege of licensing and erecting stationary blinds on their shoreline, and the *prior* right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters.

~~B. Such~~ Stationary blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located further than halfway across the body of water from the riparian owner's shoreline.

C. Except as provided in subsections D and E., w~~When such~~ a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee.

D. Where the land of two riparian owners adjoin and each has obtained a license to erect a stationary blind according to the requirements of this article, either may place a stationary blind on his shoreline or in the public waters in front of his shoreline without regard to the placement of blinds on the adjoining property.

E. Riparian owners, their lessees or permittees may obtain licenses on and after July 1 and on or before August 31 of each year. A stake or a blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by August 31. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a stationary blind by November 1 pursuant to the provisions of §29.1-341. ~~Such blinds shall conform to the standards prescribed in subsection C of §29.1-349.~~

#### **§ 29.1-344.1. Stationary duck blind license; riparian landowners exempted**

Notwithstanding the provisions of §29.1-340, the owners of riparian rights, ~~or their invitees or lessees~~ shall not be required to obtain a stationary blind license when hunting waterfowl from ~~such~~ a stationary blind located on the riparian owner's property. However, a stationary blind license shall be required in order to afford the riparian owners, their lessees or permittees the protections provided by §§ 29.1-344, 29.1-345, and 29.1-349.

#### **§ 29.1-345. Stationary blinds in the public waters for nonriparian owners; when licenses obtained**

Unless a license has been obtained pursuant to §29.1-344, and a stake or a stationary blind has been erected and marked within the time stated as specified in that section, in any year, the owners of riparian rights, their lessees or permittees shall *forfeit* the privilege of licensing blinds on their shores and also lose *priority* for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a stationary blind.

The stationary blind cannot be located in water having a greater depth than eight feet at mean high tide on the site selected. In addition, the stationary blind must be at least 500 yards from any other legally licensed stationary blind, and the license for that season must be properly affixed to the structure.

The nonriparian license for a stationary blind in the public waters may be obtained on and after July 1 and on or before September 30. A stake or stationary blind shall be erected on the site, and a license plate supplied with the license for that season must be affixed thereto by October 10. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a stationary blind by November 1 pursuant to the provisions of §29.1-341.

#### **§ 29.1-346. When license for floating blinds issued; ~~distance from stationary blinds~~**

Licenses for floating blinds ~~permitted by law, in the public waters,~~ may be obtained on and after July 1. Floating blinds shall have a license plate supplied with the license for that season affixed to the blind. ~~Floating blinds, including any accompanying boat or tender, shall anchor or tie out at least 500 yards from any licensed stationary blind for shooting, whether on the shore or in the water, unless agreed otherwise between the parties.~~

#### **§ 29.1-347. Renewing licenses**

The holders of licenses first issued under this article may renew the same privileges each succeeding year by licensing within the time required and placing the license tag on the stake or blind as required by this article. The *exclusive* privileges prescribed with respect to riparian owners and their lessees and permittees in §29.1-344 shall be recurrent each year even if the privileges were forfeited to some other person or persons in the preceding year. ~~If any blind is destroyed in any manner beyond the control of the owner, it may be replaced within thirty days without losing the position which it formerly occupied. Those licensing stationary blinds in the public waters shall remove the blinds when the licenses expire or when they no longer intend to use them.~~

### **§ 29.1-347.1 Rebuilding or removing stationary blinds; destroying blind of another**

A. If any licensed stationary blind is destroyed in any manner, it may be replaced within thirty days without losing the position which it formerly occupied. Those erecting stationary blinds in the public waters shall remove the blinds either when the licenses expire or when they no longer intend to use them.

B. It shall be unlawful to destroy in any manner a legally licensed blind of another.

### **§ 29.1-348. Obtaining licenses**

A. All applications for stationary blind licenses under this article shall be made to the local license agent ~~or clerk of the circuit court~~ of the county or city in which ~~or nearest which~~ the stationary blind site is located. ~~The clerk or local license agent shall be paid similar fees as for issuing hunting licenses.~~ All applications for floating blind licenses under this article shall be made to any local license agent which sells stationary blind licenses.

B. With each license for a stationary blind, the ~~clerk or~~ local license agent shall record the location of the stationary blind site on a form approved by the Department and deliver a license plate bearing the number of the license, which shall be affixed to the blind where it may be easily observed. The record shall be available for public inspection during times that the licensing agent is open.

C. The Department shall furnish the licenses and license plates provided for in this article. The money arising from the sale of blind licenses shall be paid into the game protection fund. The local license agent shall be paid similar fees as for issuing hunting licenses.

### **§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind**

A. No person shall hunt or shoot migratory waterfowl ~~or shoot~~ in the public waters or on the shores of the public waters of this Commonwealth ~~from a boat, float, raft or other buoyant craft or device~~ within 500 yards of any legally licensed ~~erected~~ stationary blind of another without the consent of the licensee, except when in active pursuit of a visible crippled waterfowl which was legally shot by the person or as provided in §29.1-344(D).

B. Except as provided in §29.1-344(D), nNo person shall erect a stationary blind in the public waters within 500 yards of any other licensed stationary blind without the consent of the licensee. Any person who violates this subsection shall be guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore, the trial court shall immediately revoke the blind owner's license for the stationary blind where the offense was committed. The blind owner may be eligible for a license in the following open season upon the same conditions that would apply to a new applicant. When a license for a stationary blind has been revoked, the blind shall be destroyed by the former licensee or by the game warden.

~~C. An erected stationary blind within the meaning of this section shall be a blind of such size and strength that it can be occupied by one or more hunters, or large enough to accommodate a boat or a skiff, and intended for use therefor.~~

### **§ 29.1-350. Exemption from application of article**

The provisions of this article shall not apply to the shores and public waters and marshes of Accomack and Northampton Counties. However, in those localities ~~no person shall hunt migratory waterfowl, whether from a blind or otherwise, without having obtained a season license to hunt.~~ it shall be unlawful for any person, without the written consent of the owner, to shoot from any duck blind belonging to another in the waters within the jurisdiction of the counties of Northampton and Accomack. Nor shall any person, firm or corporation erect or build in said waters more than three such duck blinds

### **§ 29.1-351. Regulations to be issued; present regulations continued in force**

The Board shall have the power to amend or alter the provisions of this article by regulation prescribing a distance less than 500 yards between stationary blinds whenever and wherever such action seems practicable and desirable. The Board may adopt other regulations concerning the use of such blinds as may appear advisable to meet changing conditions as to hunting migratory game birds. The regulations of the Board now applying to such hunting are hereby continued in force until amended or repealed by the Board; however, the Board shall not have the power to alter in any respect the privileges prescribed for owners and their lessees and permittees in §§29.1-344 and 29.1-347.

#### **§ 29.1-351.1. Penalty for violations**

Unless otherwise specified, any person who violates any of the provisions of this article shall be guilty of a Class 2 misdemeanor.

# APPENDIX II



## **Rational for Suggested Revisions to Article 2 Licenses for Waterfowl Blinds and Hunting Waterfowl**

### **§ 29.1-340. Hunting waterfowl from unlicensed blinds and without ~~season license~~ the required licenses to hunt**

Except as provided in 29.1-344.1 and 29.1-350, it ~~It~~ shall be unlawful to hunt migratory waterfowl on the public waters and from the shores of the public waters east of Interstate Route 95 in the Commonwealth from unlicensed stationary or floating blinds.

For the purposes of this article, the term "public waters" means public waters which are navigable in fact. Any person hunting waterfowl shall also have ~~a season~~ the required licenses to hunt.

*(Clarifying changes)*

### **§ 29.1-341. Stationary blinds defined**

Stationary blinds shall mean and include blinds structures erected, at a fixed location, either on the shores of the public waters or in the public waters for the sole purpose of hunting and shooting waterfowl therefrom.

A stationary blind shall be (i) of such size and strength that it can be occupied by and conceal one or more hunters, or (ii) large enough to accommodate and conceal a boat or a skiff from which one or more hunters intend to hunt and shoot waterfowl from. at a fixed location the required distance from other blinds and shall include brush or stake blinds, or any other stationary blinds permitted by law. Clubs or individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.

*(Few other issues received more vigorous discussion and attention than this. Testimony regarding and pictures showing the placement of "dummy blinds" to "lock up" areas and blinds constructed with the sole intent of prohibiting hunting was heard often, and loud. The committee feels that both practices are an abuse of law, counter to our charge, and contrary to the Department's mission. We recommend that that they be ended, and our draft makes those changes.*

*The committee also feels that current stationary blind (definition) law is not well understood by hunters, law enforcement and the courts, and that its varying interpretations has lead to confusion, confrontations, and abuse.*

*Our changes make clear that anyone seeking protection under this Article must:*

- Build something that actually looks like a blind;*
- Build it by November 1;*

- *Build it for the purpose of hunting from it;*
- *Build something that can, in fact, hold and conceal one or more hunters; or*
- *Build something that can, in fact, hold and conceal a boat from which people intend to hunt from.*

*Other proposals offered, but not contained in this draft, include a requirement that:*

- *each applicant, as a condition for obtaining a stationary blind license, must purchase a federal duck stamp and/or hunting license (shows intent to hunt?), and/or sign a form, under oath, indicating his/her intent to hunt from the blind. (The committee was unanimous in its belief that blind laws should not be used to prevent or impede lawful hunting in the state's public waters.)*
- *the Department provide each license applicant with an illustration of what is—and is not- a blind.*

*While the proposed statutory language adequately addresses our main concerns, the Department may, by regulation or administrative action, find ways to make sure our laws are easily understood and enforced.)*

#### **§ 29.1 -341.1. Number of stationary blinds permitted**

Clubs or individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season.

*(Clarifying language – creates a new subsection using existing language from §29.1-341)*

#### **§ 29.1-342. Floating blinds defined**

A. Except as provided in subsection B, floating blinds shall mean lawful floating devices, whether in motion or not, used for the purpose of hunting and shooting waterfowl therefrom.

B. Floating devices used (i) to pursue a visible crippled waterfowl which was legally shot by the person or (ii) as a platform over water from which to hunt and shoot waterfowl from while in a licensed stationary blind shall not come under the meaning of this section. ~~floating blinds permitted by law in the public waters.~~

C. Floating blinds ~~They~~ may be used in any position in public waters at different locations from day to day if the blind is ~~anchored~~ the required distance from any other stationary blind, unless agreed otherwise between the parties. ~~Licenses for floating blinds shall be limited to two floating blinds in any one season, to any one applicant.~~

*(This section contains clarifying language and language expanding the definition of a floating blind to include all lawful, floating devices used to hunt waterfowl. Canoes, for example, used to hunt waterfowl would come under this expanded definition. In return for clarity, we recommend that floating blind license fees be reduced to \$17.50 – the same as for a stationary blind license.*

### **§ 29.1-343. Fees for waterfowl blind licenses**

The fees for waterfowl blind licenses shall be as follows:

1. For a stationary blind erected in the public waters or on the shores of the riparian owner to shoot over the public waters, seventeen dollars and fifty cents.
2. For a floating blind, in the public waters, to shoot over the public waters, ~~thirty-five dollars-~~  
seventeen dollars and fifty cents.

*(This change reduces the fee for a floating blind license to \$17.50. In exchange, all lawful floating devices used to hunt waterfowl are required to obtain a license.)*

### **§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights; when licenses obtained**

A. Each year, the owners of riparian rights, their lessees or permittees shall have the *exclusive* privilege of licensing and erecting stationary blinds on their shoreline, and the *prior* right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters.

~~B. Such~~ Stationary blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located further than halfway across the body of water from the riparian owner's shoreline.

C. Except as provided in subsections D and E., ~~When such~~ a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee.

D. Where the land of two riparian owners adjoin and each has obtained a license to erect a stationary blind according to the requirements of this article, either may place a stationary blind on his shoreline or in the public waters in front of his shoreline without regard to the placement of blinds on the adjoining property.

E. Riparian owners, their lessees or permittees may obtain licenses on and after July 1 and on or before August 31 of each year. A stake or a blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by August 31. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a stationary blind by November 1 pursuant to the provisions of §29.1-341. Such blinds shall conform to the standards prescribed in ~~subsection C of §29.1-349. §29.1-341 and regulations of the Board.~~

*(This section makes clarifying changes. Section (D) codifies current practice which resulted from an Attorney General opinion. The committee discussed at length concerns over when a blind must be constructed. Current practice, in some areas, allows stationary blind license holders to camouflage their "blind" on days that it is hunted – even after the November 1 deadline for blind construction. After the hunt, the material is removed until the next hunt. The*

*Committee is unanimous in its belief that current law requires that a stationary blind be fully constructed by November 1. We recommend that the Department end the current practice and enforce the requirement that blinds be fully constructed by November 1. A uniform interpretation will lessen confrontations and the need for the Department to resolve disputes.)*

#### **§ 29.1-344.1. Stationary duck blind license; riparian landowners exempted**

Notwithstanding the provisions of §29.1-340, the owners of riparian rights, ~~or~~ their invitees or lessees shall not be required to obtain a stationary blind license when hunting waterfowl from ~~such~~ a stationary blind located on the riparian owner's property. However, a stationary blind license shall be required in order to afford the riparian owners, their lessees or permittees the protections provided by §§ 29.1-344, ~~29.1-345~~, and 29.1-349.

*(This section makes clarifying changes.)*

#### **§ 29.1-345. Stationary blinds in the public waters for nonriparian owners; when licenses obtained**

Unless a license has been obtained pursuant to §29.1-344, and a stake or a stationary blind has been erected and marked within the time stated as specified in that section, in any year, the owners of riparian rights, their lessees or permittees shall *forfeit* the privilege of licensing blinds on their shores and also lose *priority* for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a stationary blind.

The stationary blind cannot be located in water having a greater depth than eight feet at mean high tide on the site selected. In addition, the stationary blind must be at least 500 yards from any other legally licensed stationary blind, and the license for that season must be properly affixed to the structure.

The nonriparian license for a stationary blind in the public waters may be obtained on and after July 1 and on or before September 30. A stake or stationary blind shall be erected on the site, and a license plate supplied with the license for that season must be affixed thereto by October 10. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a stationary blind by November 1 pursuant to the provisions of §29.1-341 and regulations of the Board.

*(This section makes clarifying changes. The committee also discussed at length concerns over when a blind must be constructed. Current practice, in some areas, allows stationary blind license holders to camouflage their “blind” on the days that it is hunted – even after the November 1 deadline for blind construction. After the hunt, the material is removed until the next hunt. The committee is unanimous in its belief that current law requires that a stationary blind be fully constructed by November 1. We recommend that the Department end the current practice and enforce the requirement that blinds be fully constructed by November 1. A uniform interpretation will lessen confrontations and the need for the Department to resolve disputes.)*

**§ 29.1-346. When license for floating blinds issued; ~~distance from stationary blinds~~**

Licenses for floating blinds ~~permitted by law, in the public waters,~~ may be obtained on and after July 1. Floating blinds shall have a license plate supplied with the license for that season affixed to the blind. ~~Floating blinds, including any accompanying boat or tender, shall anchor or tie out at least 500 yards from any licensed stationary blind for shooting, whether on the shore or in the water, unless agreed otherwise between the parties.~~

*(This section makes clarifying changes.)*

**§ 29.1-347. Renewing licenses**

The holders of licenses first issued under this article may renew the same privileges each succeeding year by licensing within the time required and placing the license tag on the stake or blind as required by this article. The *exclusive* privileges prescribed with respect to riparian owners and their lessees and permittees in §29.1-344 shall be recurrent each year even if the privileges were forfeited to some other person or persons in the preceding year. ~~If any blind is destroyed in any manner beyond the control of the owner, it may be replaced within thirty days without losing the position which it formerly occupied. Those licensing stationary blinds in the public waters shall remove the blinds when the licenses expire or when they no longer intend to use them.~~

*(This section makes clarifying changes and moves the stricken language to a new subsection. The stricken language does not relate to “renewing licenses, but rater to another subject.)*

**§ 29.1-347.1. Rebuilding or removing stationary blinds; destroying blind of another**

A. If any licensed stationary blind is destroyed in any manner beyond the control of the owner, it may be replaced within thirty days without losing the position which it formerly occupied. Those licensing stationary blinds in the public waters shall remove the blinds either when the licenses expire or when they no longer intend to use them.

B. It shall be unlawful to destroy in any manner a legally licensed blind of another.

*(This new subsection takes existing language, with some clarification, from §29.1-347 and puts it in subsection A. New language in subsection B makes it a Class 2 misdemeanor to vandalize or destroy another’s licensed blind. The Committee heard testimony that this was a problem, particularly in cases where a non-riparian attempted to exercise his right to license and erect a stationary blind in waters not claimed by a riparian.)*

### **§ 29.1-348. Obtaining licenses**

All applications for stationary blind licenses under this article shall be made to the local license agent ~~or clerk of the circuit court of the county or city in which or nearest which the stationary blind site is located. The clerk or local license agent shall be paid similar fees as for issuing hunting licenses.~~ All applications for floating blind licenses under this article shall be made to any local license agent which sells stationary blind licenses.

With each license for a stationary blind, the ~~clerk or~~ local license agent shall record the location of the stationary blind site on a form approved by the Department and deliver a license plate bearing the number of the license, which shall be affixed to the blind where it may be easily observed. The record shall be available for public inspection during times that the licensing agent is open.

The Department shall furnish the licenses and license plates provided for in this article. The money arising from the sale of blind licenses shall be paid into the game protection fund. The local license agent shall be paid similar fees as for issuing hunting licenses.

*(This section clarifies existing law and further provides that stationary blind licenses are to be obtained from a single licensing agent in the county or city in which the blind is to be located. It also requires the licensing agent to record the location of the site on a map and make such record available to the public during the time that the licensing agent is open. The Committee heard testimony that prospective hunters were licensing stakes with the intent of later replacing them with a blind. In the interim, the stakes were removed by others who licensed the site for themselves. This conduct lead to confrontation and required, in many cases, the resources of the Department to resolve. The Committee believes the technology is available to map a blind's location rather precisely. Once mapped, the information would be instantly available to law enforcement and all other prospective hunters. By doing so, disputes could be eliminated and available sites identified.)*

### **§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind**

A. No person shall hunt or shoot migratory waterfowl ~~or shoot in the public waters or from the shores of the public waters of this Commonwealth from a boat, float, raft or other buoyant craft or device~~ within 500 yards of any legally licensed ~~erected~~ stationary blind of another without the consent of the licensee, except when in active pursuit of a visible crippled waterfowl which was legally shot by the person or as provided in §29.1-344(D).

B. Except as provided in §29.1-344(D), ~~n~~No person shall erect a stationary blind in the public waters within 500 yards of any other licensed stationary blind without the consent of the licensee. Any person who violates this subsection shall be guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore, the trial court shall immediately revoke the blind owner's license for the stationary blind where the offense was committed. The blind owner may be eligible for a license in the following open season upon the same conditions that would apply to a new applicant. When a license for a stationary blind has been revoked, the blind shall be destroyed by the former licensee or by the game warden.

~~C. An erected stationary blind within the meaning of this section shall be a blind of such size and strength that it can be occupied by one or more hunters, or large enough to accommodate a boat or a skiff, and intended for use therefor.~~

*(This section makes clarifying changes. It also removes subsection (C) and places it in §29.1-341.)*

#### **§ 29.1-350. Exemption from application of article**

The provisions of this article shall not apply to the shores and public waters and marshes of Accomack and Northampton Counties. However, in those localities ~~no person shall hunt migratory waterfowl, whether from a blind or otherwise, without having obtained a season license to hunt.~~ it shall be unlawful for any person, without the written consent of the owner, to shoot from any duck blind belonging to another in the waters within the jurisdiction of the counties of Northampton and Accomack. Nor shall any person, firm or corporation erect or build in said waters more than three such duck blinds.

*(This section codifies the repealed L8-1.)*

#### **§ 29.1-351. Regulations to be issued; present regulations continued in force**

The Board shall have the power to amend or alter the provisions of this article by regulation prescribing a distance less than 500 yards between stationary blinds whenever and wherever such action seems practicable and desirable. The Board may adopt other regulations concerning the use of such blinds as may appear advisable to meet changing conditions as to hunting migratory game birds. The regulations of the Board now applying to such hunting are hereby continued in force until amended or repealed by the Board; however, the Board shall not have the power to alter in any respect the privileges prescribed for owners and their lessees and permittees in §§29.1-344 and 29.1-347.

*(This section makes clarifying changes.)*

##### **§ 29.1-351.1. Penalty for violations**

Unless otherwise specified, any person who violates any of the provisions of this article shall be guilty of a Class 2 misdemeanor.

*(No changes.)*

# APPENDIX III



**Insert copy of local acts from code book**



# **APPENDIX IV**

**LOCAL LEGISLATIVE ACTS**  
**SUMMARY AND RATIONALES FOR CHANGES**  
**PART 8**  
**WATERFOWL**

**L8-1. Accomack and Northampton counties – Duck Blinds.** Act prohibits shooting from another's blind without the written consent of the owner. Act also limits the number of blinds to three per owner. Recommend repeal, adding necessary language to §29.1-350 as follows:

**§29.1-350.** Exemption from application of article. – The provisions of this article shall not apply to the shores and public waters and marshes of Accomack and Northampton Counties. However, in those localities ~~no person shall hunt migratory waterfowl, whether from a blind or otherwise, without having obtained a season license to hunt. it shall be unlawful for any person, without the written consent of the owner, to shoot from any duck blind belonging to another in the waters within the jurisdiction of the counties of Northampton and Accomack. Nor shall any person, firm or corporation erect or build in said waters more than three such duck blinds.~~

**L8-2. Same – Duck Blind Stamps** - Authorizes the sale of duck blind stamps in the counties of Accomack and Northampton. Duck blind owners can purchase \$5.00 stamps and proceeds were to be “employed for the propagation of wildlife in the county in which the stamp is sold.”

Committee representative spoke with the clerks of court in both counties. Neither had sold one of these stamps during their tenures (past 15 years in Accomack or past 12 years in Northampton). Neither of the clerks currently had stamps nor had they ever seen one.

One long-time waterfowler in Accomack recalled having bought one of these stamps when he moved to the area in the early 1970's but had not bought one since. Game Warden Sergeant for VDGIF on the Eastern Shore said that in the 23 years he has been on the shore he has never seen one nor has one been sold. The committee recommends that this act be abolished because stamps are no longer being sold. This act also offers the provisions of two Code sections to people who buy these stamps however the two referenced code sections were repealed.

**L8-3. Caroline, Essex, King George, Richmond and Westmoreland counties.** This act prohibits floating blinds in the public waters of these counties. This act is an impediment to lawful hunting. The committee recommends that this act be abolished in keeping with the committee's charge to explore ways to provide additional public hunting opportunities.

**L8-4. Fairfax, King George, Prince William and Stafford counties.** Other Code sections (specifically §29.1-344) currently provide for the protection afforded landowners in section 1 of this act. Although slightly more restrictive than §29.1-344, this section is redundant and it is recommended that it be repealed. Sections 2, 3, and 4 are unnecessary and can be addressed through Code sections §29.1-342, §15.1-518, and §15.1-518.1 and therefore can also be removed from the Code in an effort to simplify waterfowl regulations.

**L9-1. Princess Anne County – Virginia Beach and certain defined areas.** This local act makes the area within the corporate limits of the City of Virginia Beach a wildlife sanctuary. In addition, it also establishes several residential subdivisions around the eastern tributaries of Lynnhaven Bay as wildlife sanctuaries. According to this act it is illegal to shoot any type of weapon or to injure or destroy any type of wild animal in these wildlife sanctuaries. This act was written when the majority of present day City of Virginia Beach was Princess Anne County. Today the subdivisions described in this act are within the corporate limits of the City of Virginia Beach. According to VDGIF Game Warden Sergeant, the City of Virginia Beach adopted a local ordinance that prohibits hunting in the areas described. Although removing this act will not provide additional hunting opportunity, the act is redundant and unnecessary and should be abolished.

**L9-2. Same - Certain areas in Kempsville Magisterial District.** This local act establishes an area in east central Virginia Beach as a wildlife sanctuary and prohibits the discharge of weapons or the taking of wildlife within the sanctuary. The area described is heavily developed. It is doubtful that rescinding this act will increase hunting. The Virginia Beach city ordinance described above also prohibits hunting in this area. As with L9-1, rescinding this act will not result in additional hunting, however the act is redundant and unnecessary and should be abolished.

**L9-3. Same – Shooting of waterfowl in certain waters prohibited.** This local act prohibits waterfowl hunting in the eastern tributaries of Lynnhaven Bay. Hunting is already prohibited by City ordinance. The act appears to be duplicated by City ordinance and is redundant and not necessary and should be abolished.



# APPENDIX V





# APPENDIX VI

## Waterfowl Blind Questionnaire Results

Surveys mailed June 6, 2000

Number of HIP registered Duck Hunters:	11,477
Number of Surveys Mailed	3,000
Number of Surveys returned non-deliverable	102
Total number of Surveys Delivered (Effective N)	2,898
Number of Surveys Returned	1,230
Effective Response Rate	42.4%

### Summary of Responses (All Respondents)

- Q1. Did you hunt waterfowl in Virginia during:
- |                              |                       |
|------------------------------|-----------------------|
| The past 5 years?            | <b>1196 YES (97%)</b> |
| The 1999-2000 hunting season | <b>1044 YES (90%)</b> |
- Q2. How many years have you been hunting waterfowl?
- |          |                          |
|----------|--------------------------|
| Average: | <b>23 years (n=1207)</b> |
|----------|--------------------------|
- Q3. At what age did you start hunting waterfowl?
- |          |                          |
|----------|--------------------------|
| Average: | <b>21 years (n=1210)</b> |
|----------|--------------------------|
- (Extrapolation from Questions 2 & 3 suggest average age of waterfowl hunters in VA. is 44)*
- Q5. Do you live:
- |                              |                    |
|------------------------------|--------------------|
| East of Interstate 95 (I-95) | <b>54% (n=658)</b> |
| West of Interstate 95 (I-95) | <b>46% (n=553)</b> |
- Q6. Do you hunt east of I-95, (excluding the Eastern Shore)
- |      |                    |
|------|--------------------|
| YES: | <b>73% (n=888)</b> |
| NO:  | <b>27% (n=324)</b> |

Q7. Are you a riparian landowner?

YES: **23% (n=219)**

NO: **77% (n=719)**

Don't Know: **0.2% (n=2)**

Q8. As a riparian owner, do you:

License stationary blinds for waterfowl hunting? **YES: 60% (n=130)**

**NO: 40% (n=87)**

License stationary blinds that are not for hunting? **YES: 21% (n=38)**

**NO: 79% (n=143)**

Grant/Lease riparian blind rights to others? **YES: 13% (n=24)**

**NO: 87% (n=159)**

Allow waterfowl hunting on your property? **YES: 51% (n=96)**

**NO: 49% (n=94)**

Q9. As a non-riparian landowner, do you:

Lease rights or have permission from someone to license stationary blinds?

**YES: 37% (n=278)**

**NO: 63% (n=448)**

License blinds in areas where the landowner did not exercise their riparian rights?

**YES: 13% (n=338)**

**NO: 87% (n=591)**

Have permission to hunt from stationary blinds licensed by some else?

**YES: 45% (n=338)**

**NO: 55% (n=414)**

Q10. This question pertains to constraints that inhibit your ability or opportunity to hunt waterfowl on public waters east of I-95.

a. I do not perceive any barriers to my waterfowl hunting activities (n=1106)

**Rank: 3.380**

**31% Agree to Strongly Agree (n=339)**

**15% Neutral (n=162)**

**55% Disagree to Strongly Disagree (n=605)**

- b. I have limited places to hunt. (n=1151)  
**Rank: 1.961**  
**81% Agree to Strongly Agree (n=933)**  
**6% Neutral (n=68)**  
**13% Disagree to Strongly Disagree (n=150)**
- c. I have limited time to hunt. (n=1144)  
**Rank: 2.380**  
**66% Agree to Strongly Agree (n=759)**  
**9% Neutral (n=107)**  
**24% Disagree to Strongly Disagree (n=278)**
- d. I have to travel too far to hunt. (n=1151)  
**Rank: 3.065**  
**37% Agree to Strongly Agree (n=422)**  
**18% Neutral (n=205)**  
**46% Disagree to Strongly Disagree (n=524)**
- e. There are not enough waterfowl to make it worthwhile. (n=1152)  
**Rank: 3.392**  
**26% Agree to Strongly Agree (n=302)**  
**14% Neutral (n=161)**  
**60% Disagree to Strongly Disagree (n=689)**
- f. The equipment needs are too great and/or expensive (n=1143)  
**Rank: 3.508**  
**19% Agree to Strongly Agree (n=218)**  
**19% Neutral (n=220)**  
**62% Disagree to Strongly Disagree (n=705)**
- g. The blind laws restrict my opportunities to hunt. (n=1155)  
**Rank: 2.771**  
**47% Agree to Strongly Agree (n=532)**  
**20% Neutral (n=226)**  
**34% Disagree to Strongly Disagree (n=386)**
- h. waterfowl regulations are too difficult to understand (n=1155)  
**Rank: 3.001**  
**41% Agree to Strongly Agree (n=474)**  
**12% Neutral (n=139)**  
**47 % Disagree to Strongly Disagree (n=542)**

- i. I am concerned about violating laws/regulations (n=1151)  
**Rank: 2.376**  
**62% Agree to Strongly Agree (n=761)**  
**9% Neutral (n=104)**  
**25% Disagree to Strongly Disagree (n=286)**
- j. I am concerned about my safety (n=1138)  
**Rank: 3.230**  
**32% Agree to Strongly Agree (n=362)**  
**13 Neutral (n=150)**  
**55 Disagree to Strongly Disagree (n=626)**
- k. I have had conflicts with non-hunters (n=1149)  
**Rank: 3.344**  
**27% Agree to Strongly Agree (n=308)**  
**16% Neutral (n=182)**  
**57% Disagree to Strongly Disagree (n=659)**
- l. I have had conflicts with other hunters (n=1121)  
**Rank: 3.280**  
**31% Agree to Strongly Agree (n=343)**  
**15% Neutral (n=169)**  
**54% Disagree to Strongly Disagree (n=609)**

Q11. Indicate the number of days (by region) you hunted waterfowl during the 1999-2000 season (do not include field hunting for geese)

	East of I 95 (except Eastern Shore)*	Eastern Shore*	West of I-95*
a. From a licensed stationary blind.	9.6	N/A	N/A
b. From a stationary blind that had no license or where none was needed.	7.4	8.5	7.7
c. From a floating blind	8.1	6.2	6.7
d. Without a floating blind or stationary blind.	7	5.8	6.8

\*average

Q12. Indicate the number of days (by region) you hunted waterfowl during the 1999-2000 season (do not include field hunting for geese):

	East of I 95 (except Eastern Shore)*	Eastern Shore*	West of I-95*
a. On a State Wildlife Mgmt. Area.	5.7	2.6	3.9
b. On Public Water/Marsh	10.8	8.9	8.1
c. On Private Water/Marsh	10.9	7.4	7.8

\*average

Q13. Indicate your level of agreement with the following statement.

- a. I would hunt ducks east of I-95 more often if there were more public hunting opportunities.

(n=1211)

**Rank: 2.266**

**65% Agree to Strongly Agree (n=781)**

**15% Neutral (n=179)**

**21% Disagree to Strongly Disagree (n=251)**

- b. I would hunt ducks west of I-95 more often if there were more hunting opportunities.

**Rank: 2.497**

**55% Agree to Strongly Agree (n=657)**

**21% Neutral (n=247)**

**25% Disagree to Strongly Disagree (n=298)**

- c. I do not see a need for more public waterfowl hunting opportunities.

**Rank: 3.90**

**16% Agree to Strongly Agree (n=197)**

**11% Neutral (n=128)**

**73% Disagree to Strongly Disagree (n=883)**

Q14. The following section pertains specifically to your opinions about current waterfowl blind laws in Virginia. Blind Laws:

- a. Are working adequately (n=1183)

**Rank: 2.945**

**39% Agree to Strongly Agree (n=455)**

**29% Neutral (n=346)**

**32% Disagree to Strongly Disagree (n=382)**

- b. Should not be changed (n=1182)  
**Rank: 2.985**  
**34% Agree to Strongly Agree (n=403)**  
**32% Neutral (n=374)**  
**34% Disagree to Strongly Disagree (n=405)**
- c. Provide protection for the marsh (n=1185)  
**Rank: 2.467**  
**57% Agree to Strongly Agree (n=674)**  
**28% Neutral (n=326)**  
**16% Disagree to Strongly Disagree (n=185)**
- d. Provide protection for my hunting area (n=1181)  
**Rank: 2.578**  
**51% Agree to Strongly Agree (n=605)**  
**29% Neutral (n=337)**  
**20% Disagree to Strongly Disagree (n=239)**
- e. Are needed to help limit disturbance to marshes (n=1177)  
**Rank: 2.568**  
**53% Agree to Strongly Agree (n=623)**  
**25% Neutral (n=298)**  
**22% Disagree to Strongly Disagree (n=256)**
- f. Are needed to help limit disturbance to waterfowl (n=1179)  
**Rank: 2.565**  
**53% Agree to Strongly Agree (n=630)**  
**24% Neutral (n=281)**  
**23% Disagree to Strongly Disagree (n=268)**
- g. Prevent encroachment from other hunters (n=1180)  
**Rank: 2.227**  
**69% Agree to Strongly Agree (n=816)**  
**19% Neutral (n=224)**  
**12% Disagree to Strongly Disagree (n=140)**
- h. Require blind licenses that are often difficult to obtain (n=1176)  
**Rank: 2.726**  
**44% Agree to Strongly Agree (n=516)**  
**30% Neutral (n=348)**  
**27% Disagree to Strongly Disagree (n=312)**

- i. Are too confusing/difficult to understand (n=1182)
- Rank: 2.817**
- |            |                                      |                |
|------------|--------------------------------------|----------------|
| <b>42%</b> | <b>Agree to Strongly Agree</b>       | <b>(n=496)</b> |
| <b>27%</b> | <b>Neutral</b>                       | <b>(n=321)</b> |
| <b>31%</b> | <b>Disagree to Strongly Disagree</b> | <b>(n=365)</b> |
- j. Restrict my opportunity to hunt on public waters (n=1183)
- Rank: 2.599
- |            |                                      |                |
|------------|--------------------------------------|----------------|
| <b>51%</b> | <b>Agree to Strongly Agree</b>       | <b>(n=599)</b> |
| <b>24%</b> | <b>Neutral</b>                       | <b>(n=288)</b> |
| <b>25%</b> | <b>Disagree to Strongly Disagree</b> | <b>(n=296)</b> |
- k. Restrict the public's opportunity to hunt on public waters (n=1182)
- Rank: 2.511
- |            |                                      |                |
|------------|--------------------------------------|----------------|
| <b>53%</b> | <b>Agree to Strongly Agree</b>       | <b>(n=631)</b> |
| <b>26%</b> | <b>Neutral</b>                       | <b>(n=309)</b> |
| <b>21%</b> | <b>Disagree to Strongly Disagree</b> | <b>(n=242)</b> |
- l. Should be changed to allow more public hunting opportunity (n=1189)
- Rank: 2.556
- |            |                                      |                |
|------------|--------------------------------------|----------------|
| <b>53%</b> | <b>Agree to Strongly Agree</b>       | <b>(n=629)</b> |
| <b>24%</b> | <b>Neutral</b>                       | <b>(n=284)</b> |
| <b>23%</b> | <b>Disagree to Strongly Disagree</b> | <b>(n=276)</b> |
- m. Are abused (n=1161)
- Rank: 2.763**
- |            |                                      |                |
|------------|--------------------------------------|----------------|
| <b>33%</b> | <b>Agree to Strongly Agree</b>       | <b>(n=387)</b> |
| <b>46%</b> | <b>Neutral</b>                       | <b>(n=528)</b> |
| <b>21%</b> | <b>Disagree to Strongly Disagree</b> | <b>(n=246)</b> |
- n. Are unenforceable (n=941)
- Rank: 3.215**
- |            |                                      |                |
|------------|--------------------------------------|----------------|
| <b>16%</b> | <b>Agree to Strongly Agree</b>       | <b>(n=153)</b> |
| <b>48%</b> | <b>Neutral</b>                       | <b>(n=451)</b> |
| <b>36%</b> | <b>Disagree to Strongly Disagree</b> | <b>(n=337)</b> |



Q15. Please indicate your level of agreement with the following options that could provide more public hunting opportunities on public waters.

- a. Reduce the distance required to hunt from an occupied licensed stationary blind (currently 500 yards) (n=1116)  
**Rank: 3.294**  
**34% Agree to Strongly Agree (n=377)**  
**14% Neutral (n=158)**  
**52% Disagree to Strongly Disagree (n=581)**
- b. Reduce the distance required to hunt from an unoccupied licensed stationary blind (currently 500 yards) (n=1121)  
**Rank: 2.724**  
**55% Agree to Strongly Agree (n=616)**  
**11% Neutral (n=128)**  
**34% Disagree to Strongly Disagree (n=377)**
- c. Limit the distance from shore that a blind can be licensed (n=1099)  
**Rank: 2.900**  
**41% Agree to Strongly Agree (n=454)**  
**27% Neutral (n=295)**  
**32% Disagree to Strongly Disagree (n=350)**
- d. Limit licensed blinds to shoreline only (n=1104)  
**Rank: 3.439**  
**21% Agree to Strongly Agree (n=236)**  
**25% Neutral (n=275)**  
**54% Disagree to Strongly Disagree (n=593)**
- e. Allow offshore blinds to be used/built, but they could not be licensed (n=1094)  
**Rank: 3.280**  
**27% Agree to Strongly Agree (n=291)**  
**28% Neutral (n=309)**  
**45% Disagree to Strongly Disagree (n=593)**
- f. Eliminate floating blind licenses (n=1113)  
**Rank: 3.447**  
**26% Agree to Strongly Agree (n=286)**  
**19% Neutral (n=207)**  
**56% Disagree to Strongly Disagree (n=620)**

g. Eliminate the local restrictions on where licensed floating blinds can be used (n=1101)

**Rank: 2.710**

**47% Agree to Strongly Agree (n=514)**

**25% Neutral (n=272)**

**29% Disagree to Strongly Disagree (n=315)**

h. Modify the way stationary blind licenses are assigned (n=1109)

**Rank: 2.731**

**43% Agree to Strongly Agree (n=471)**

**37% Neutral (n=408)**

**21% Disagree to Strongly Disagree (n=230)**

i. Reduce the number of stationary blind licenses allowed (n=1095)

**Rank: 3.348**

**21% Agree to Strongly Agree (n=228)**

**32% Neutral (n=348)**

**47% Disagree to Strongly Disagree (n=519)**

Q16. What do you feel is an appropriate distance to hunt from an occupied licensed stationary blind?

a. 250 yards (n=803)

**Rank: 3.523**

**26% Agree to Strongly Agree (n=209)**

**13% Neutral (n=104)**

**61% Disagree to Strongly Disagree (n=490)**

b. 300 yards (n=810)

**Rank: 3.341**

**34% Agree to Strongly Agree (n=272)**

**14% Neutral (n=113)**

**53% Disagree to Strongly Disagree (n=425)**

c. 400 yards (n=766)

**Rank: 3.588**

**22% Agree to Strongly Agree (n=165)**

**20% Neutral (n=151)**

**59% Disagree to Strongly Disagree (n=450)**

d. 500 yards (n=924)

**Rank: 2.527**

**58% Agree to Strongly Agree (n=538)**

**12% Neutral (n=106)**

**30% Disagree to Strongly Disagree (n=280)**

e. More than 500 yards (n=766)

**Rank: 3.495**

**23% Agree to Strongly Agree (n=179)**

**20% Neutral (n=150)**

**57% Disagree to Strongly Disagree (n=437)**

Q17. What do you feel is an appropriate distance to hunt from an unoccupied licensed stationary blind?

a. 250 yards (n=930)

**Rank: 3.523**

**62% Agree to Strongly Agree (n=576)**

**9% Neutral (n=84)**

**29% Disagree to Strongly Disagree (n=270)**

b. 300 yards (n=772)

**Rank: 3.341**

**33% Agree to Strongly Agree (n=254)**

**17% Neutral (n=128)**

**51% Disagree to Strongly Disagree (n=390)**

c. 400 yards (n=740)

**Rank: 3.588**

**15% Agree to Strongly Agree (n=110)**

**21% Neutral (n=156)**

**64% Disagree to Strongly Disagree (n=474)**

d. 500 yards (n=831)

**Rank: 2.527**

**42% Agree to Strongly Agree (n=348)**

**15% Neutral (n=125)**

**43% Disagree to Strongly Disagree (n=358)**

e. More than 500 yards (n=744)

**Rank: 3.495**

**21% Agree to Strongly Agree (n=152)**

**21% Neutral (n=157)**

**58% Disagree to Strongly Disagree (n=435)**

Q18. Please indicate your opinion about the impact of reducing the distance that you can hunt from a licensed stationary blind.

a. I would have safety concerns about others hunting too close. (n=1172)

Rank: 2.393

**64% Agree to Strongly Agree (n=751)**

**10% Neutral (n=117)**

**26% Disagree to strongly Disagree (n=304)**

b. The quality of the hunting experience would be diminished. (n=1173)

**Rank: 2.463**

**58% Agree to Strongly Agree (n=684)**

**15% Neutral (n=175)**

**27% Disagree to Strongly Disagree (n=314)**

c. The quality of the hunting experience would be enhanced. (n=1158)

**Rank: 3.480**

**24% Agree to Strongly Agree (n=375)**

**23% Neutral (n=341)**

**54% Disagree to Strongly Disagree (n=621)**

d. It would be detrimental to marsh habitat (n=1167)

**Rank: 3.029**

**32% Agree to Strongly Agree (n=375)**

**29% Neutral (n=278)**

**39% Disagree to Strongly Disagree (n=451)**

e. Would be detrimental to local waterfowl populations (n=1165)

**Rank: 3.029**

**34% Agree to Strongly Agree (n=395)**

**24% Neutral (n=278)**

**42% Disagree to Strongly Disagree (n=490)**

f. Would increase noise and disturbance level around my home. (n=1165)

**Rank: 3.503**

**13% Agree to Strongly Agree (n=154)**

**37% Neutral (n=436)**

**49% Disagree to Strongly Disagree (n=575)**

g. Would provide more places to hunt (n=1168)

**Rank: 2.438**

**62% Agree to Strongly Agree (n=725)**

**20% Neutral (n=234)**

**18% Disagree to Strongly Disagree (n=209)**

h. Would reduce potential to violate the distance requirements (n=1164)

**Rank: 2.662**

**51% Agree to Strongly Agree (n=590)**

**26% Neutral (n=302)**

**23% Disagree to Strongly Disagree (n=272)**

Q19. Please indicate your level of support for the following modifications to where waterfowl blind laws would apply.

a. Extend blind laws to west of I-95 (n=1149)

**Rank: 3.277**

**24% Agree to Strongly Agree (n=270)**

**38% Neutral (n=436)**

**39% Disagree to Strongly Disagree (n=443)**

b. Extend blind laws to the Eastern Shore (n=1150)

**Rank: 3.092**

**27% Agree to Strongly Agree (n=313)**

**44% Neutral (n=500)**

**29% Disagree to Strongly Disagree (n=337)**

c. Extend blind laws to the entire state (n=1151)

**Rank: 3.209**

**29% Agree to Strongly Agree (n=331)**

**32% Neutral (n=366)**

**39% Disagree to Strongly Disagree (n=454)**

d. Extend blind laws to specific areas in other parts of the state (n=1136)

**Rank: 3.149**

**25% Agree to Strongly Agree (n=282)**

**44% Neutral (n=498)**

**31% Disagree to Strongly Disagree (n=356)**

e. Eliminate all blind laws (n=1154)

**Rank: 3.737**

**17% Agree to Strongly Agree (n=196)**

**18% Neutral (n=205)**

**65% Disagree to Strongly Disagree (n=753)**



# APPENDIX VII

## Waterfowl Blind Survey Comments

- Some landowners construct fake blinds restricting hunting along miles of waterfront.
- Large areas are very often “sewn up” with licenses on stakes that serve only to keep hunters out.
- I have to realize over the years that there is really no good reason to support organizations such as Ducks Unlimited because any increase in populations are drawn to “sewn up” marshes where the public isn’t allowed. The big “pushers” of DU are people who have access to these “sewn up areas”. Upper & Lower Brandon in Prince George County are two good examples. One thing I like about the Eastern Shore is that there are no “sewn up” areas. Also there are large public areas such as Mockhorn Island.
- Blind laws in VA are abused because of poor management – lack of supervision – hunters take advantage of the public areas due to lack of supervision.
- As a result of the poor duck hunting here and limited opportunities we make an annual 14-17 day trip to Arkansas each year where there is more public hunting in one WMA than in all of Virginia’s combined. Quality duck hunting.
- Blind laws in this state promote baiting & sky-busting because people are restricted from going to the ducks....instead they must go to the blind east of I-95.
- The long & short of the debate is this: If a licensed blind isn’t occupied, a floating blind should be able to hunt it or at least at a close proximity 100 yards or less. Public water should be able to be hunted. Virginia’s laws are archaic and ridiculous. So I will continue spending the bulk of my waterfowling dollar elsewhere.
- In Poquoson, a select few (club) have virtually taken claim to all of Plum Tree Island Wildlife Refuge. There should be no stationary blinds.
- You should have a written letter of permission if you are hunting behind someone’s house to respect the landowners rights.
- You should be able to hunt in an unoccupied licensed stationary blind if it is not on a riparian’s land.
- Some people nail a wood pallet to a tree for blind to keep hunters off river.
- There should be heavy penalty for blind law violations.
- People buy blind licenses, put on their land to prevent hunters from hunting near them. Sometimes they themselves don’t hunt ducks. It’s hard to measure distances on water, especially in the morning darkness.
- VA should get equal hunting on the Potomac. Should be like fishing.
- Too many people get blind permits and don’t use them.
- I duck hunt in the swamps in Southampton. I would duck hunt more if more places were available.
- Only the rich can afford the best blind places.
- More than 1 hunter & their friends can each get 2 blind permits & tie up a whole marsh.
- Should be allowed to hunt next to but not tie on to blind, if unoccupied with floating blind.
- One individual has licensed entire (Damron Marsh) area, allowing no access even with floating blind.



- Have been run off of Potomac River at gun point.
- Land owners place large numbers of blind licenses on public waters to block other hunters. Make all blind laws apply to all hunters.
- People put up blinds that are never used only for the purpose to keep other hunters out of hunting areas.
- Many blinds are licensed only to prevent other hunters from hunting nearby.
- A few people can tie up an entire river for miles.
- Didn't know anything about blind licenses, because of all the other BULL you have to put up with.
- Hunters are often forced to encroach or forego hunting opportunities.
- Distances are difficult to determine in the marsh.
- Some hunters abuse the laws because they are hard to enforce.
- Blind laws are not always considered or obeyed by other hunters in terms of distance required to be away from existing blinds. In addition, non-hunters, especially fishermen, do not abide by the rules and thus can knowingly ruin a good hunting morning because they want to fish where you are.
- Blinds are set up and never used
- Blind laws are abused by people with money and power to restrict hunting for the average middle class hunters. They want it all to themselves!!
- While I believe the current laws do restrict my hunting in some areas, I do not think they should change. The 500 yard limit is good to prevent overcrowding.
- Landowners staking blinds for the sole purpose of preventing others from hunting on state-owned waters.
- Some hunters do not respect riparian licensed blinds which may cause conflict. If you don't have permission, "STAY HOME".
- The thing about this is the fact that I have had an incident with someone encroaching on me and my party before and they did not leave. When I called the sheriff's dept. all I got was a recording. VA game wardens need to be more accessible to the issues.
- Some landowners and savvy hunters license blinds or whole areas to keep other hunters out.
- I don't know how to change blind laws but they need some work to allow more access.
- Too few wardens to adequately cover all possible places waterfowl hunters frequent; inadequate resources at their disposal. Additionally, hunters have at times popped into an area that would be too close (500 yards) to a licensed blind & then leave after a few hours. Unless the warden is at that location during that time window the violation would go unrecorded – and seemingly frequently is.
- You need to make the annual waterfowl regs available on a timely basis. They are not usually available until into the season, and this definitely inhibits hunting opportunity.
- Some families hold a large number of licenses, but use only 1 or 2 at a time.
- If you have to go to court to exercise rights, this discourages a licensee asserting his rights. Game wardens should be able to assist in this.
- Blind laws are abused by posting licenses on trees, etc. without a permanent blind being constructed during the season.

- The geese that stay here year around are a problem to us and to our neighbors. In 1998, I had corn planted in 30 acres. The geese destroyed about 40% of the crop. In 1999, I planted wheat in 30 acres and the geese destroyed the whole field. I think we should be able to kill these geese when we see them destroying or we need a longer season.
- Illegal use of leased marsh area with licensed blinds within 500 yards.
- Game wardens in my area will respond to poaches (if called).
- Game wardens should verify blind license with occupants of blind and proper location.
- Hunting season should be longer for ducks & geese.
- Season should continue to end of Feb., start later. Sometimes it isn't cold enough up north to push ducks down until after season.
- I float hunt on the Potomac. I can only hunt 3 days a week from the buoys . Should be changed to 6 days per week.
- 500 yard limit difficult to determine.
- Many blinds are built simply to reduce hunting opportunity in certain areas.
- Agents do not have a clue where blinds are marked.
- I hunt in Maryland. I don't understand blind laws in VA & don't pursue the sport here but would like to. I also don't understand bag limits when you hunt for more than two days at a time. This does not make sense.
- If it is not occupied, I believe you should be able to hunt right up to it.
- Not enough wardens to police blind laws.
- Stationary blinds are way to hard to get. On the Northwest River stationary blinds take up all the good hunting areas.
- Due to the moderate winters we have had the past few years, the number of ducks here during the hunting season has been low. I think the season should open later & extend into early Feb.
- Hunters who trespass in other blinds are guilty of civil law not game laws; therefore, when this happens you have to call the sheriff to try to get them out of it which is impossible.
- Prohibit bass fishing during duck & goose season.
- Locations are often vague – can be moved and encroach on others. Specific locations of blinds require local knowledge of water ways.
- Would like to see the rules relaxed regarding licensed but unbuilt blind sites.
- People seem to go where they want and feel they have every right.
- I hunt blinds at Quantico. I am hesitant to hunt any place else east of I-95 for fear of violating the law.
- State game warden runs hunters off Quantico Creek, then makes money guiding hunts there on his day off.
- Most game wardens are hesitant to answer questions because they are unsure of what the exact regulations are. (example: What constitutes a floating blind for the purpose of needing a permit? Or, Where can a hunter jump shoot from a canoe and not be in violation of the law east of I-95
- Due in large part to the blind laws, good waterfowling in VA is becoming a sport for the wealthy only.
- You didn't ask about hunting from a boat. A hunter should be able to jump shoot from a paddled boat without regard to distance from a licensed blind.

- Some times I feel in order to hunt waterfowl in VA I need to carry a file cabinet to hold all the regulations & times legal for hunting.
- Rules are so restrictive that it makes it almost useless to obtain license.
- I strongly feel that it would be beneficial to manage public hunting opportunities in order to limit hunting pressure and improve the quality of hunting.
- Currently there are many areas on public waters that are private marsh where riparian landowners tag blinds that are clearly not hunted during the year. While licensing blinds do protect my rights as a lessee, which I want to protect and preserve the quality of the hunting that I pay for. I do get frustrated by licensed inactive blinds. I do appreciate the need to protect the landowners rights also.
- I believe there should be a provision in the law for landowners to establish waterfowl sanctuaries along their shorelines without having to license blinds every 500 yards. A tough problem but one I hope you will address.
- Floating blind laws are incredibly restrictive. There was no where to say this. We feel it has to do with politics & dollars in Richmond --- agree---disagree---strongly disagree?☺
- Most hunting has become limited to wood duck hunting in flooded wetlands—marshes and major waterways are unavailable. A few people monopolize large areas and over hunt population.
- If the licensed blind is not brushed or obviously not in use, there should be no limit on how close you can hunt to it. Trespass laws would be the only restriction. This does not include building of permanent blinds within 250 yards.
- Fishermen seem to believe that their right to fish takes priority over my right to hunt on my own land. Sometimes it's a matter of safety. (This issue needs to be addressed).
- Existing blind laws are my only means of protecting my property from unwanted duck hunting. Please do not relax blind laws. They are the only means of protection from duck hunters hunting on top of one another. The Waterfowl population isn't all that great statewide.
- The main restriction on my hunting is not being able to goose hunt east of I-95. A given hunter should be limited to not more than 2 stationary blinds.
- Have seen a number of licensed blinds that are never hunted; not enough enforcement officers.
- I have had conflicts with game wardens who did not adequately understand the waterfowl regulations.
- Waterfowl laws are the only ones I am aware of who's sole purpose is to exclude others from participating.
- Most conflicts are with other hunters who come uninvited and try to hunt land that I have rented or come too close to my licensed stationary blind with a floating blind.
- I see on the news every day how the goose population is a problem. A safety concern at airports, golf courses, farm land, etc. Open goose season to the same as duck season and extend the season through Feb., because that's when winter weather and hunting is at its best, and once geese are shot at a couple of times they will learn to stay out of populated areas. PS If you have ever hunted goose you know how smart they are.
- So many blinds are put up just to keep others from hunting an area; no distance would ever be too close because most landowners would just put up more blinds; everyone should play by the same rules no matter where you live or hunt.

- People license blinds year after year and don't use them and I can't use my floating blind to hunt because of yardage requirements for blinds.
- I am a VA resident but I don't hunt in VA because of the waterfowl blind laws.
- Hunting is too crowded. Need more in the "pressure areas" to keep birds moving and spread out.
- Laws are abused by landowners putting licenses on unlicensed blinds.
- Too many landowners purchase blind licenses, nail to a tree to simply keep hunters away from their area.
- Believe the steel/tungsten shot too expensive and cripples more game than kills. Also believe field hunting 200 yards or farther from any water source for geese – lead shot should be allowed.
- "Clubs" can block or lock up large sections of public water that should be available on a first come first served arrangement. Example: Morris Creek and Chickahominy river next to the WMA.
- Two sticks and a strip of burlap should **not** be considered a licensed blind!!!! They only block other people. In the past two years I have hunted Back Bay and areas of the Chickahominy river – never did I see a game warden out checking for bag limits, safety equipment, or blind law enforcement.
- The number of licenses to a person or club should be limited.
- Eliminate all blind laws – the best idea yet! Other states have a long and rich history of waterfowl hunting without all the regulations - look at Texas, Mississippi and Arkansas.
- Hunter can get charged with a violation they weren't aware of.
- Unfortunately the geese do not live where they can be safely hunted.
- I can not figure out the blind regs.
- Hunters & landowners license areas just to keep other hunters from hunting adjacent to their land or blind.
- Too many landowners erecting non licensed "spite" blinds.
- Most conflicts are with adjacent property owners near the marsh I hunt. If I cripple a bird and it falls on adjacent property, I usually have the owner complaining & watching me with binoculars. I hate that.
- Floating blind restrictions need to be lifted.
- A stake or a bush with a license should not a blind make. How does the Eastern Shore of VA and west of I-95 get by without having to buy and license blinds? Hunters in between are paying the brunt for the entire state. Could lower the current fees for license blinds.
- If you don't license a blind (offshore) then anyone would or could possibly hunt it. There is a considerable amount of time & money required to build an offshore blind.
- I have questions about eliminating the blind laws, does anyone have the right to hunt an unlicensed blind.
- Increase goose season east of I-95.
- Change hunting seasons for the colder months.
- A real problem is that you will not allow hunting between I-95 and Boshers dam even on the water.
- After state took over Little Ball Island and Horse Island Creek by Condemnation, it became greatly over hunted by lottery – a real shame.

- I find people disrespectful to property owners rights and do not honor posted property.
- Laws are interpreted by wardens in error & judges correct them in court, this creates disrespect for law enforcement officers. Also laws are different in certain areas than others in VA (ex: waters of Back Bay). Laws should not be made for certain “areas” in the commonwealth, they should be consistent throughout the state. This makes for poor enforcement, poor interpretation of the law & confusion for all, hunting is a right and should be respected by all.
- If distance of hunting is reduced from hunting from an unoccupied blind, it will disturb resting birds in that area. Many landowners required rest days “no hunting” for birds on their land. If other hunters are allowed to hunt closer to licensed blinds occupied or not, it will disturb resting birds & defeat the purpose and not promote good hunting practices to preserve birds for future hunters.
- Seasons are too short
- I have not seen any abuse of the waterfowl laws, in fact I think a very high percent of duck hunters are very polite and friendly.
- The game commission will not enforce the rules or even give me information from watercraft numbers to allow me to privately go after trespassers.
- We hunt with no margin of error in the law and state wardens are very underpaid.
- So many hunters go over limits when ducks are available, difficult to enforce. One warden per county, one arrest may take all day to process, hunters hide well and know all approaches, 99 good hunters to check with one bad hunter to catch. The officers & wardens are understaffed. I haven’t seen a warden in 2 years with 50 or 60 hunts. (They may know I’m legal.
- Obtain blind license with state duck stamp \$15 – Mandatory – Let it travel with holder. Make all riparian blind owner hunt the blinds or lose the rights.
- Reduce distance on rivers and marshes to 250 yards. 550 yards block miles of narrow rivers & marshes.
- Kayaks are a problem when they beach them and walk as close as 30 yards to my floating blind during my hunt.
- How do I measure 500 yards on open water. I hunt the public waters of the lower bay. 75% of the hunters here use floating blinds because storms destroy stationary blinds. Many hunters construct so called stationary blinds, not for hunting, but as a way of reserving an area for themselves. Several hunters together can take thousands of yards of shoreline away from other hunters. Allow only one blind license per household. We need blind laws. Reduce the distance to hunt. Reduce the cost of floating blind license. Sell blind licenses in Poquoson.
- Many people are hunting state blinds in Pocahontas Marsh on days the marshes are closed. Encroachment must be pursued in civil court. Game wardens should be able to ticket violators of blind laws. Daily rounds of state blinds should be done early in the day – encroachers hunt early & leave early.
- Increase distance from private residences, except for riparian blinds.

- The numbers of waterfowl are decreasing or maybe the flight pattern is changing. I used to bag 2 a day on an average day, now I'm lucky if I see 2 a day.
- Public hunting is almost non-existent. Too many unused blinds in the rivers and marshes.
- We need more hunting land in Spotsylvania to hunt ducks.
- It is much easier to waterfowl hunt in PA & Ark.
- I have seen people put up stakes and blinds and then feed local ducks, then I can not hunt my area because I would be hunting over bait. Also they release tame white (peking) ducks. This is considered shooting over live decoys, thus forcing me to shot them before I can hunt legally.
- Game wardens are more plentiful then ducks.
- Like every thing else there is always a loop hole for a certain few who can afford a lawyer to find them.
- This is a complicated issue and this questionnaire is misleading on many answers. As a riparian owner and active hunter I may be able to provide useful insight. Feel free to call or fax. More geese East of I-95 on Potomac! Question 10 is poorly worded – though the laws may restrict my personal hunting choices I do not necessarily disagree with them. Many lengthy issues involved: ie, encroachment, landowner licensing to stop hunting. Trespass should be criminal instead of civil.
- Conflicts caused by floating blinds too close to stationary blinds or private shorelines.
- I hunt on private property. I have been threatened by some other hunters who thought they could license a blind on an adjoining tract and prevent hunting on the tract I have permission for.
- License all blinds in VA. It is unsafe West of I-95 when hunters come within 100 yards of your blind.
- Lack of public WMA land. Have been hunting 10 years and have never see a warden.
- You buy a license and a special stamp – how much more will it take to make us give it up. Do away with blind licenses altogether.
- It doesn't make sense that someone can put a stationary blind license on a stake just to keep you from hunting in their area.
- Riparian rights close off too much area.
- Too many places are staked but no blind is ever built – just to keep out other responsible hunters. The prohibition on floating blinds in some counties allows these laws to be further abused. Also, non-hunters license off public water with no intention of ever hunting.
- Purchase more hunting areas and create more impoundments. Question 18 should have been worded to say “occupied” licensed stationary blind. Thank you for researching this. I have had a very difficult time finding places to take my son duck hunting east of I-95.
- The stinking blind renters are everywhere, so close ya can't hunt in between them. The same red necks rents the same blind year after year after year. It's BS (ken's note – this was spelled out). The appropriate distance to hunt from an occupied licensed blind – 5 ft. If unoccupied anyone should be able to use it.
- Do away with “dummy blinds”, must be hunted.

- It would be nice to have more available public places & state managed & encouraged places to hunt. There's less & less places and more & more people. Blinds & blind laws in Back Bay need to be totally revised. There is no opportunity for any hunting for the public other than at the drawing. There are dozens of blinds that aren't even brushed each year but you've got to treat them as blinds. There is no accessibility or hope of getting one from people who never use 'em. Separate laws governing Back Bay & VA Beach is "unfair" & no longer necessary.
- Duck hunters in Southwest VA have limited opportunity. Duck migration "ALWAYS" happens after season is over. Leave Oct. season, stop NOV. season (Deer hunters) & open around Dec. 15<sup>th</sup> for # of days allowed.
- Too many hunting days assigned to time when no waterfowl have migrated.
- 1) My blind location is better suited for geese than ducks. 2) Northeast winds limit my ability to attract birds. 3) 2 full moons during late duck do not help hunting conditions. 4) My proximity to large farms on river along with large groups of birds makes it difficult to call & decoy birds into my blind.
- Some riparian landowner license more blinds than they hunt to create a buffer around their property – USFWS has reduced hunting areas on James River & Powell's Creek. Some license blinds to prevent folks from hunting directly in front of their homes or to serve as a sanctuary (ie: They do not hunt). Require blinds to be hunted (use it or lose it).
- Impractical to have different distances (occupied vs. unoccupied). A license blind may not be the first or the earliest to be occupied on any given day. Will the licensed blind hunters have to ask other hunters to move out to the occupied distance? What will prevent other hunters from setting up at 2 am or even 12:01 am to get a jump on licensed blind hunters? Same distance reduces potential over hunting of a single site on days when license blinds are not hunted to rest the birds.
- Some fisherman in early goose & duck season running through decoys, most are very respectful.
- We hunt on the Chickahominy Lake, thanks to VDGIF there are blinds stacked on top of each other. We hunted early goose, teal & wood duck and into cold weather, and not one time did we ever see anyone in any of the blinds. Many of the creeks on the Chick, James, Mattaponi & Pamunkey are all blinded up and hardly anyone uses them. Just the high dollar "good ole boys" click that's had them for years
- Limit the number of blinds a single person, family or group can license.
- I support licensing stationary blinds of the eastern shore (Accomac). I have had to devise an elaborate locking system to insure that my water blind is not poached.
- When a group of hunters places so many blinds in an area it becomes inaccessible Ex: Nansemond River—can't float without being too close to a Licensed blind.
- 250 yds if occupied. No restrictions if unoccupied.
- Eliminate blind laws only if trespassing on private or leased land were enforced.
- You have to be extremely wealthy or have connections to hunt east of I-95. 500 yards is a long way and is hard to determine. Our rivers, creeks & marshes are too crowded with blinds owned by the same people year after year.

- Having severe problems with other hunters taking over our stationary unlicensed blind (west of I-95) and hunting it excessively (4 days straight). Severe confrontations will soon occur at our blind if this continues in the coming season.
- Reduction of license protection will only increase pressure on waterfowl reducing the waterfowl available.
- Goose season should be open more east of 95 – limit should be more,
- Keep the distance at 500 yards. In still air steel BB shot will travel more than 500 yards when gun held at 45 degree angle or more.
- Attn: would like to see season extended a month into Feb. even if losing early season or 1 month less at beginning of regular duck season. In the past 6 years of devoted waterfowl hunting the weather and migration seem to be right as season goes out. I have not killed many ducks for the time & mostly the expense it has taken but love waterfowl hunting so much will have to keep trying.
- When residents feed waterfowl near where I hunt all the ducks stay right with the food.
- Other hunters encroaching within 500 yards of my property and long time licensed blinds. I contacted the warden several times and nothing has been done. There are 100s of miles of shore line in public waters with no blinds anywhere. Question 18 is stupid! By reducing the distance between blinds would turn a beautiful bay into nothing more than a shooting gallery and the few birds we have would leave. Enforce the 500 yard limit, the birds need some space too. What do you want to do, collect more license fees and allow everyone to hunt shoulder to shoulder like a dove hunt? There are already 100's of miles of shallow riparian waters in tidewater VA with no blinds that are accessible if anyone cares to take the time to build a blind. Please contact me on this matter, I have hunted the Bay & it's rivers for 45 years and feel strongly about this matter. George Franklin, P.O. Box 448, White Marsh, VA 23061.
- Just because blind laws do not apply west of I-95, hunting west of 95 can be very dangerous—hunters constantly set up within 100 yards. The Pamunkey river is 100% “locked up” by licensed blinds – 80% of these are never hunted. They keep public hunters out. The law is the law and I'm not going to break it. Make all blind laws consistent for the whole state. Do not differentiate between east & west of I-95.
- If laws (West of I-95) are changed to have all blinds licensed, would the ones that already exist be “Grandfathered”??
- Too many private blinds that are not hunted.
- I believe VDGIF can take a more active role in enforcement. Warden do not push on this matter.
- I had two blinds taken from me by a landowner who never hunted from them after they were taken. Blinds are licensed by landowners to prevent others from hunting, but these blinds are never hunted. Eliminate blind licenses east of I-95.
- Laws are abused by landowners for profit “legally” blind owners who do not use staked blinds.
- We were stopped by a warden who did not know the law as well as we did—weekend warden. I do not see a need for more public land because I own lots of land.



- Allow the purchase of blind license at locations outside of county where blind is located.
- Some waterfowl hunters place a stick in mud & license it to keep others from getting to close to an area.
- If it is not 30 degrees or colder, bass fishermen completely ruin our blind hunting. Some have even cast lures in our decoys.
- Some hunters use blinds that are not theirs.
- Even on the public land I was able to hunt, I was threatened and asked to leave the area and not shoot “his” geese.
- Have found poachers in our blinds and in front of them. People hunt out of my blind and I can’t shoot them. Never a warden around when others are using my blind, but always there to check me on opening day.
- Non riparian & clubs license more than the 2 allowed. Game wardens allow it if the land owner leases the land.
- I do most of my waterfowl hunting out of state due to the lack of places to hunt in my area.
- People tie up a shoreline with materials like a piece of burlap or metal with a license attached to it. These are not blinds. Get rid of the good ole boy rules. Have a “first come first serves” like other states. In other words modernize the laws.
- Too many licensed blinds by a few people limits others hunting opportunities.
- I believe the blind laws are confusing and hard to understand. The bag limits require a great knowledge of waterfowl that most hunters do not have. They shoot then identify, and this leads to many birds not being reported.
- Make public reservoirs avail to waterfowl hunting from canoe or kayak.
- 500 yards is way too far.
- Blind laws should apply to eastern shore.
- Blind licenses are the primary defense against total elimination of waterfowl from my area on the Mattaponi River. I would increase the distance between blinds and restrict each licensed hunter to one public blind (non-riparian).
- I have had conflicts with other hunters in the same swamp, using chest waders, standing in the water near by, saying we too close, although we are at least 400 yards. Too many blinds by same hunter in one area, regulation of 500 yds. Could be reduced to 300 yards from stationary blind and still be safe. Some areas ducks are here early in the season. Season open 2 weeks early, or have a longer early Oct. season.
- Too many people put up makeshift blinds to keep other hunters out of the area. They never use the blind designed for 1 hunter.
- Poachers using floating blinds and jump shooting will hunt a property until night of until all of the waterfowl are driven off. We try to chase off poachers and involve the game warden whenever possible. We have friends who have found it difficult to get a conviction against poachers who trespass their land because the process must be pursued in civil court and is very cumbersome. Since the landowner/lease holder pays property taxes and maintains the habitat for waterfowl, I would still like to see enforcement efforts focused primarily on poaching. On the Pamunkey, James, & Chickahominy rivers, poaching is a bigger problem and a bigger threat to waterfowl than other violations such as hunting without a signed waterfowl stamp of an unplugged automatic. Landowners work to improve habitat for waterfowl. Reducing the distance requirements would lead to over shooting.

- People go to a lot of expense to maintain a blind site with no intent to use for hunting, just to keep others out.
- Clubs and groups of hunters license blinds every 500 yards on a creek to keep other hunters from hunting the area.
- Please allow non-licensed “portable blinds” on the marshes of WMA’s which are open to hunting. Like Ragged Island. The blinds are like tents – remove after each hunt.
- Get rid of the ole boy network.
- Laws are abused by people occupying other’s blinds – encroachment – hunting too close to occupied blind. Since deer season coincides (mostly) with waterfowl season, the wardens usually don’t have time to devote to waterfowl. The people that tend to outlaw know this, take the chance and break the law, and most often don’t get caught. Wardens most set aside sometime for waterfowl.
- Many landowners erect blinds with no intention of ever hunting, denying prime locations from others.
- The blind laws are so complex I don’t even try to figure them out. It’s obvious they were written to protect a small number of people in certain areas. Why do you require blind licenses at all.
- The blind laws were put into the code to protect the income for a handful of guides who had access to prime areas. Like any situation of “lease hunting”, they are motivated by & maintained by greed. Set reasonable regulations based on safety as in other hunting situations and get rid of these laws that essentially divert the value of the state’s waterfowl resource straight into private pockets.
- Landowners on the public rivers occupy blind license on the whole river just about allowing no room for the public to have a floating blind.
- Very wealthy people obtain 10-15 blinds, you don’t get a chance for one & then you can’t get no where near them with a floating blind. We need a late goose season east of 95.
- he limited places to hunt is the greatest inhibitor to the hunting opportunity and the negative press about firearms, owners and hunters. We field hunt geese nest to lake Anna – many times other hunters set up their “legal” blinds in our flight path – results: we get very little shots of birds worked. The guys in the blinds cut the birds off before they reach our field.
- Too much sky blasting , limited areas for birds to feed and rest due to development. Hunters hunt too close to blinds now! They sky blast, cripple birds and act like slobs. Need a hot line where violators boat numbers or vehicle license number could be phoned for investigation. Limit distance from shore to 100 yards for licensed stationary blinds, although people who violate 500 yards would also violate the 100 yards. There is only so much hunting space and the birds need places to eat and rest.
- I have a problem with the ghost blinds that are put up and licensed around and off river marshes solely to keep other non riparian hunters from hunting near their hot spots. Note: the survey was too long, and only those with a passionate opinion about this topic will respond.
- Build more blinds at Barbours Hill WMA. Also limit the number of blinds an individual can have in one area (Lownes Creek). This limits opportunity for floating blinds.

- Hunter breaking the 500 yard law should be removed by a game warden not me.
- Laws are abused by individuals tying up water front with out building blinds.
- Pleasure boaters and fishermen don't know about the early goose and teal season in September & October. Do not like landowners who put up too many blinds.
- My complaint is with regulations on resident geese east of I-95. One bird per day for 5 days is not the answer to control the goose population. Complaints from people (farmers) are falling on deaf ears.
- Stationary blinds deter duck numbers from hunting areas.
- Too many licenses on posts with no intention of erecting a blind. Not enough enforcement personnel around to enforce existing laws and remove licenses that are just glorified "no trespassing" signs on public waters.
- Blind fees are too high
- An individual should not be restricted at all on privately owned or leased properties.
- If you hunt in 70 degree weather, you have to fight fishermen who have no idea about waterfowl laws or don't care. Start the season later and run into late Feb.
- The 500 yards from an occupied blind is good, but you should be able to hunt as close to unoccupied blind as you want. If you are in and set up prior to first light - too bad if someone shows up to hunt the blind.
- We don't have enough waterfowl in the Atlantic flyway. Changes in blind laws won't increase the number of birds we see or get. Current blind laws allow the landowner to protect his private property, which is his right. Game wardens don't seem to understand the blind laws themselves. Don't change the distance laws. Unethical hunters will always encroach on blinds no matter what the laws say.
- How can you put a no trespassing sign on your blind on public waters such as Lake Anna.
- People license blinds in an entire area and then never hunt them. Hard to enforce unless you watch them everyday.
- Should limit how close someone can hunt to an occupied house especially on the water.
- Non hunting landowners are "locking up" entire sections of public waters, Pamunkey and Chickahominy rivers, due to the fact that the rivers in most places are not 500 yards wide, and the land owners buy multiple licenses and place them on polls and non-huntable blinds, 500 yards apart thus eliminating any chance of public hunting for miles of river areas. Public waters just that, public and should not be allowed to be closed.
- Need much stronger penalties for those found guilty of violating the 500 yard rule.
- Regulations relating to licensing a blind that no one will ever hunt are not enforceable. This restricts public access such as those blinds which are licensed by MCCDC Quantico on the Potomac River. They have at least 5 blinds they license which they do not allow anyone to hunt, which restricts the access to public waterways.
- The rich license up everything and anything they can to keep the small man out. We all buy duck stamps. You should be able to tie a floating blind up to an unoccupied blind.
- Need more public access for people with younger kids that don't have floating blinds.
- In Missouri, any body of water created by the corp of Engineers has a rule that says any unoccupied blind can have a person using a floating blind can tie up to it. It should be the same here on public waters. Why can a person tie up an entire river.

- When using a floating blind, others have set up within 75 yards, but it is impossible to enforce because it is a civil law.
- Too many bass boats during early part of season.
- Too few hunters use to license laws to “hog” marshes.
- Landowners baiting to stop me from hunting my license blind.
- People hunt out of my licensed blind and I can’t find a warden.
- The 500 yard restriction is unduly limiting especially in thick wooded swamp areas such as the Chickahominy upstream of Walkers dam. Although I own 2000 feet of waterfront, neighbors licensed a blind at each end of my property and prevent me from hunting my own land.
- We need more blinds on public land such as WMAs
- I have never seen a warden while duck hunting.
- I do not hunt the blinds that I license because there are not enough ducks on Lawnes Creek in Surry. When I find someone in my license blind they just say “go ahead, take me to court. It’s only a trespass violation.
- Limit the number of blinds licensed to a club.
- Do away with stationary blinds. They are unfair.
- Anti-hunters license blinds to keep others from hunting public waters.
- There is a problem with people hunting out of season.
- Hard to get info about which days are open to duck hunt on WMAs.
- I like to hunt from a floating blind, but there are very few places to float 500 yards from a stationary blind. Stationary blinds have the rivers and marshes tied up. Landowners license multiple blinds to tie up whole sections of rivers.
- My wife will not allow duck hunting on our property. We live on Quantico Creek where it widens. Never see a law officer.
- A lot of dummy blinds on mud flats in open water.
- No law officers when you need them. Laws have little impact on unscrupulous hunters, and penalties are ludicrously light.
- No opportunity for the little guy, and the laws are too complex to understand. Decrease bag limit or define a total limit per year.
- I am cut out of many areas by other blinds every 500 yards for an entire coastline. A lot of them belong to non-hunters. Reduce the distance from unoccupied blinds. Too many times I have run my floating blind for miles along a shoreline with licensed “poor excuses” of a blind every 500 yards (measured to the foot) only to be shut out of an entire region by wall to wall, unoccupied, licensed blinds. I strongly support allowing hunters to hunt next to (but not out of) someone else’s unoccupied blind. Within say 50 feet.
- Too many areas locked up with a license on two sticks and some burlap. Wardens need to lean on people caught, look at Curles Neck Farm. The state should own all blinds, charge for use and make some money.
- Do away with licensed blinds. Allow access to public waters on a first come first serve basis.
- If you are going to regulate blinds, do it state wide.

- The current blind laws provide a barely satisfactory role of having private landowners protect their own land to give some sanctuary to the birds. It would be akin to a game management disaster to open this habitat to public hunting. Float blind operators do not adhere to the current regulations. The tendency is to hunt wherever you can until told otherwise. The ducks are constantly harassed now and they leave the area. The state should provide more public land for hunting. We have such a tremendously fragile waterfowl population in eastern VA that if the distance restrictions for blinds are reduced, we won't have enough waterfowl to support a hunting season.
- It's a shame lease holders have to police their own sites – don't count on the Feds and state wardens to do this. Having bought blind licenses for many years, I think this system works to accomplish several things. It is like working your blind seniority through the years as you acquire rights – The elimination of blind laws would open the damnest can of worms you have ever seen. It's a fact of life that some have & some don't. I am sorry that some hunters are unable to find a site, but gov't cannot and should not try to fix every minority problem that occurs.
- Hunters on Lake Anna disregard fixed or floating blinds and often set up over my decoys. I would like to see blind laws west of I-95 just like those east of I-95 so I could protect my blinds.
- Guides are building too many blinds taking up public hunting areas
- There is no enforcement of separation between blinds or hunters using floating blinds. I lived in Northern VA for 30 years and spent enormous time and energy locating places to hunt ducks. I have raised 2 sons, teaching them both to hunt ducks. It has been an extremely rewarding experience for us, while being extremely difficult to find legal access to areas to hunt.
- Allow jump shooting or floating blinds close to unoccupied blinds in October especially if it has not been constructed or covered. Many hunters don't build or use blinds until the November season.
- Please allow more float hunting on public land. I would like a response to this survey. Also would like to know why Princess Anne WMA cut out afternoon hunting for waterfowl? I can understand letting the birds rest, but at the same time, they went from hunting six days a week to hunting only on Monday, Wednesday, and Saturday. Why not allow all day hunting since the birds are resting 4 days a week on this marsh. I don't believe the excuse of stopping at noon so everyone can find their way home with today's electronics, cellular phones, marine radios & GPS there is no reason for anyone to get lost.
- I hunt about 50% of duck days. Sometimes blind restrictions work in my favor, sometimes not. Overall until I see a better proposal than what is indicated here, I would prefer to see no changes, except possibly allowing hunting within 100-200 yards of licensed & unoccupied blinds. If the licensee shows up – you move out.

- The fact that refuges are allowed to practice “de facto” baiting means I see less waterfowl. However, I love watching ducks , even if I see only 1 or 2 dozen on average, and that’s before or after legal time. I, personally am about to endure the “inconvenience” of the West Point bridge project. My grandmother owns on either side of the current structure, (I hunt Eltham Marsh). The bypass route would likely ruin my favorite spot. There is no doubt that some people will license blinds and put miles of riverfront off limits. Unfortunately, this is the only “legal” way to protect a hunting area so reason goes out the window. On the flipside, you’ve got a bunch of people who don’t have any of the responsibilities of land ownership, that want to be able to chase ducks around the watershed as the flight patterns change. I find the latte to be more unsavory. About all I can do is yell at somebody encroaching on my acres. I would have to swear out a warrant at the courthouse to get any action. That would take time and by the end of it, it’s my word against theirs and hunting season would be over. The way it is now, no officers will get involved and that precludes the use of a very valuable witness. Reducing the distance you can hunt from a licensed stationary blind is a bad idea – why should I have to license and build more blinds to keep freeloaders out.
- Confrontations with bass fishermen and deer hunters.
- In the 98-99 season, persons falsely represented that they had permission from the landowner to license a blind. The change in the 99-00 season concerning the new permission form which required the landowner’s signature helped eliminate this abuse.
- Too many blinds used to keep other hunters out.
- Current laws allow a chosen few elite people to tie up vast area of marsh and water.
- Too many unused blinds.
- 10 m. It should be illegal to fish within 500 yards of an occupied blind. **Strongly agree.**
- Limit the number of blinds a person or club can license.
- Eliminate all blind laws - You think I stirred up a stink getting the pamunkey opened on Wednesday. You guys will get roasted with this one. Keep in mind, I practically single handedly got the Wednesday rest day from the Pamunkey eliminated. 10 years ago I lived in a state of the art floating blind - gas heat, TV, cook stove, phone – harvested a ton of geese on Pamunkey & Rapp. Then I would have set fire to every blind I saw. Despised blind Laws. Now I guide for a landowner & use the blind laws for protection.
- There should be no distance limit If unoccupied. This is public waters we are talking about. You don’t limit how close another boat can get to a good fishing spot. Do away with stationary blind licenses all together. Allow blinds to be built but have public areas first come first served. I have hunted in several central and Mississippi flyway states and this has worked well. It is enforced by having time limit on when a blind owner can show up in the morning to claim their blinds.
- The changes in the last couple of years have stopped or reduced the abuses.
- Eliminate stationary blind licensing and have a limit of 5 blinds but anyone can use them on a first come first served basis.
- Personal watercraft and fishing should be restricted to duck marsh areas during hunting season.

- I know of at least two people who no longer hunt but maintain minimum constructed blinds to prevent others from setting up their blinds.
- I would like to hunt like my granddaddy did, from shore behind cover.
- Hunting opportunities are so limited and few that I don't know if the laws provide protection for my hunting areas. (I don't have a hunting area)
- Have problems with hunters in floaters who think they can hunt anywhere they want as long as no one in a blind or around a licensed stake. I bought the tag for a spot and this is my spot, not someone else's in a floater.
- The season is not long enough. Just when it gets cold the season is over.
- If possible extend the season into colder weather. Not enough time is spent on the rivers by the wardens, saw people drinking alcohol and using lead shot
- Open up the barrier islands on the eastern shore
- because snow geese are such a problem you need to open the barrier islands.
- They are enforceable but are not
- Should be able to hunt next to an unoccupied blind. A hunter should be able to hunt adjacent to any blind that is not occupied ½ hour before sunrise.
- While this survey is long in coming, I plan on contacting local legislature representatives who have the power to change the law, a power that DGIF does not have. If the DGIF chooses not to support opening up the blind laws I will support a governor who supports changing the DGIF.
- Poorly defined laws conflicts federal vs state. Its very easy for an honest person to unknowingly break the law and be fined severely.
- This is a hunt club state, if you are not in a club or don't own waterfront the blind laws east of I-95 are abusive. People license off areas, hunt once and keep out the true waterfowler. When it gets cold the old/weak stay home but their marshes and streams are protected from use. Floating blind laws should be liberalized.
- Open floating blind license throughout state, after opening week allow 1<sup>st</sup> come with 300 yrd. Distance
- right next to it.
- If change is not soon waterfowl hunting revenue will drop 50%
- Dummy blinds that nobody hunts just keep us out
- We are tired of money controlling the sport in public waters when they hunt inside the marsh.
- Eliminate all blind laws and start over so the public will have a chance to hunt and duck will disperse and use the whole state.
- I have had trouble with hikers and kayaks , had them paddle thru decoys and walk within 10ft of occupied blind when asked to leave they ignore me.
- people build poorly constructed blinds not for the purpose of hunting but to reserve their favorite hunting spot, then they hunt the area from a floating blind. I have never seen DGIF warden in all my years of hunting. I can by other licenses from local stores but must travel to another county to buy blind license. Waterfowl hunters deserve the same one stop shopping.
- I feel you should be 100 yards from an unoccupied blind.
- Hunters in my area hunt too close to my blinds.

- One of two people control too much public water – just look at upper Nansemond River.
- people constructing blinds on my land without permission. Blind licenses are routinely issued in conflict with the law. Blinds are licensed by the state on my land without my permission – when I have already permitted blinds in the same area. no one cares about people using my land without permission.
- blind stamps are put 500 yards apart on a stick to restrict hunting.– How do you measure 500 yards on water or in marshes.
- I often do not hunt areas due to the fact I just do not know the pre-flooded property lines & the rights of the riparian owners. I am very afraid of waterfowl game violations via trespassing by means of riparian rights. – Only limit the number of blinds are allowed, the wealthy they are used or not. Most game violations as I understand it are reported by the hunter, thus in essence self governing with the enforcement responsibility back to DGIF as always. Thanks for the reminder – it helped.
- They let people with money hord the places I would like to hunt, even when not in use. It is hard to define laws intent and measure the distance. If the laws are not changed many people can not afford to hunt. One thing that would help is to change the law to read you may hunt within 500 feet from an unoccupied blind.
- I think floating blinds should be outlawed forever!!!! Why, they disturb natural roosting or resting areas.
- If not part of the “good ole boys” network, forget hunting with public land access.
- The letter e in section 10 is one reason I quit hunting ducks. Both letters I & h also concern me very much and it is just not worth the trouble.
- Must wear blaze orange during deer season which falls the same time as duck season, ducks see orange.
- Is my area, waterfowl hunting is becoming a perk for the wealthy. Almost every duck swamp is privately owned, the only place left for us to try to hunt is the river, and lately these people have been buying up the river front property and are building duck swamps on the low grounds with state grants, federal & ducks unlimited grants. Afterwards they don’t want anybody float hunting down the river because they say we are shooting “their” ducks. If you want to verify just check with the Charlotte, Halifax & Mecklenburg game wardens, they are constantly being called to stop boats from float hunting down the river. The poor man’s only hope to hunt ducks in our area. Please do something about this.
- Other hunters trespassing on my property, other hunters using my blinds when I’m not. More public hunting opportunities on Potomac river & tributaries on the VA side. Maybe lake Anna, the guys who build blinds on the lake think their license blinds keep others from hunting close to them.
- Only two blinds per person.
- Leave eastern shore the way it is.
- 100 yards is enough. The Pamunkey river is the perfect example of a shutout situation due to licensed blinds.
- I pay the state for the blind license and then I have to get a warrant if I want the laws enforced
- Consider annual rotation or lottery of public blinds.
- Blind laws only protect landowners. Many landowners, especially clubs lock up areas to keep others out.
- Game wardens are unresponsive to my rights as a riparian land owner who pay a lot of taxes.



# APPENDIX VIII

## **WATERFOWL BLIND SURVEY SUMMARY**

### **SUB-COMMITTEE REPORT**

The results of the survey were divided into eight separate subsets in an effort to examine differences of opinion between these groups. The subsets included: all hunters combined, hunters that hunted east of I-95 exclusively, hunters that hunted west of I-95 exclusively, hunters that hunted from licensed stationary blinds exclusively, all hunters that hunted from stationary blinds (licensed or not), float blind hunters, jump shooters, and float blind hunters and jump shooters combined. Members of the sub-committee determined that any questions receiving 67% or greater response either in favor of or opposing the question was recorded as a strong or significant opinion. Sixty seven percent was chosen as it represented a two-thirds majority on any given question. Twenty-nine specific answers were identified as meeting these categories (Tables 1.).

In addition, six questions received a two to one response by “All Hunters”. This indicates a significant majority were either for or against these questions. Responses to these six questions are included in Table 1 followed by a shaded row. Points of consideration regarding these questions are omitted because they received less than the 67% response criteria.

The sub-committee next attempted to identify issues that held common responses across all user groups. Five specific questions were identified as having 5 or more groups with a strong opinion (67% or greater) on these questions. These questions are:

***Question 10b.*** All user groups identified limited hunting places as a barrier or constraint on their ability to hunt waterfowl east of I-95. Points of consideration:

- Purchase or lease public land for waterfowl hunting.
- Eliminate all current blind laws that restrict access to public waters.
- Modify current blind laws to allow greater access to public waters.

***Question 14g.*** All but one user group (west of I-95 hunters) stated that the current blind laws do prevent encroachment from other hunters. Points of consideration:

- Current blind laws are effective at preventing other hunters from encroaching upon a licensed blind site.
- Current laws may also be prohibiting access by the public to public waters

***Question 13c.*** All but one user group (licensed blind hunters) agreed that there is a need for greater public waterfowl hunting opportunities. Points of consideration:

- Purchase or lease public land for waterfowl hunting.
- Eliminate current blind laws that restrict access to public waters.
- Modify current blind laws to allow greater access to public waters.

**Question 10c.** Six of the user groups identified limited time as an obstacle to hunting waterfowl. Western hunters did not identify this as an obstacle and as a result the all hunters category did not meet the 67% criteria. Points of consideration:

- Reduce individual travel time by creating more hunting access in closer proximity to the hunters.

**Question 10i.** Five of the eight categories identified a concern for violating laws and regulations as a constraint to hunting waterfowl east of I-95. (The groups west of I-95 hunters, licensed blind hunters, and all stationary blind hunters did not identify this as a significant problem). Points of consideration:

- Simplification of current regulations and laws regarding waterfowl hunting in the Commonwealth.
- Reformat the current regulation pamphlet for an enhanced presentation.
- Increase outreach and education regarding waterfowl regulations (i.e. provide direct mailings to waterfowl hunters (ref.: HB 38 Study).
- Suggestions to create better interface with all law enforcement personnel that may enforce waterfowl regulations (Department, USFWS, and Military Police, etc.)

**Three questions were regarded as significant by 3 or more subgroups.**

**Question 19e.** Four of the eight groups opposed the elimination of all blind laws. It is worth noting that the all hunters category did not meet the necessary 67% due largely in part to rounding error. Points of consideration:

- Although the survey points to obvious modifications in current blind laws that would aid waterfowl hunters, there appears to be no overwhelming evidence that hunters would favor abolishing all blind laws.

**Question 18a.** Four of eight groups identified safety concerns with decreasing the distance hunters could hunt from a licensed stationary blind. Points of consideration:

- Hunters are comfortable with the current distance when safety is a consideration.
- Additional information may be needed regarding the safe distance for non-toxic shot fall-out and human safety.

**Question 13a.** Float blind hunters and jump shooters stated they would hunt ducks east of I-95 if more public hunting opportunities existed. Points of consideration:

- Develop opportunities for this group of hunters.

**Question 15.** Each group was asked to comment on specific options that could increase public hunting opportunities on public waters. Although many differences were apparent between groups concerning these options, there were several factors in which the groups appeared uniform.

1. No group strongly favored reducing the blind distance from occupied blinds.
2. There is no evidence to suggest any group supported limiting the number of stationary blinds allowed or restricting stationary blinds to the shoreline.

The Survey would also suggest that there might be an opportunity to reduce the distance required from unoccupied blinds. Both float blind hunters and jump shooters strongly agreed with the statement that the distance required to hunt from an unoccupied blind be reduced. It is also useful to note that although licensed blind hunters strongly disagreed with the idea of reducing the distance from occupied blinds, they did not, as a group, oppose the idea of reducing the distance from unoccupied blinds.

**Question 17.** This question referred to question 15 and addressed what might be appropriate distances hunters could hunt from unoccupied stationary blinds.

- 250 Yards: This option was strongly favored by float blind hunters and jump shooters.  
49% of licensed blind hunters approved of this distance.
- 300 Yards: Failed to get a strong opinion in either direction (neutral).
- 400 Yards: Opposed by three groups, (hunt east of I-95, licensed blind hunters, and all stationary blind hunters). Float blind hunters had no opinion regarding this distance.
- 500 Yards: Strongly supported by licensed blind hunters.  
36% of Float blind hunters approved of this distance.
- >500 Yards: Strongly opposed by float blind hunters.

INCLUDE TABLE FROM GLEN'S REPORT

INCLUDE TABLE FROM GLEN'S REPORT

## LOCAL LEGISLATIVE ACTS AFFECTING WATERFOWL HUNTING SUB-COMMITTEE REPORT

**Local Legislative Acts vs. Local Ordinances:** Local legislative acts are laws that have been enacted by the General Assembly of Virginia. These acts apply to specific geographical areas i.e. counties or specific waterways and as they apply to wildlife generally regulate hunting, taking of wildlife, etc. in a geographical area. Local legislative acts differ from local ordinances in that local ordinances are regulations adopted by municipalities such as cities, towns or counties. The general assembly has empowered localities to adopt local ordinances that regulate firearms and/or prohibits hunting in areas where safety is of concern.

The subcommittee investigated the local legislative acts that apply to waterfowl hunting and offers the following recommendations:

**L8-1.** Accomack and Northampton counties – Duck Blinds. Act prohibits shooting from another’s blind without the written consent of the owner. Act also limits the number of blinds to three per owner. Subcommittee recommends no change to this act.

**L8-2.** Authorizes the sale of duck blind stamps in the counties of Accomack and Northampton. Duck blind owners can purchase \$5.00 stamps and proceeds were to be “employed for the propagation of wildlife in the county in which the stamp is sold.”

Subcommittee representative spoke with the clerks of court in both counties. Neither had sold one of these stamps during their tenures (past 15 years in Accomack or past twelve years in Northampton). Neither of the clerks currently had stamps nor had they ever seen one.

One long-time waterfowler in Accomack recalled having bought one of these stamps when he moved to the area in the early 1970’s but had not bought one since. Mike Caison, Game Warden Sergeant on the Eastern Shore, said that in the 23 years he has been on the shore he has never seen one nor has one been sold.

The subcommittee recommends that this act be abolished because stamps are no longer being sold. This act also offers the provisions of two code sections to people who buy these stamps however the two referenced code sections were repealed. Recommending that this act be abolished is in line with the waterfowl blind committee’s charge to simplify waterfowl blind laws. Abolishing this act will simplify and improve waterfowl blind laws and the code of Virginia.

**L8-3.** Caroline, Essex, King George, Richmond and Westmoreland counties. This act prohibits floating blinds in the public waters of these counties. This act is an impediment to lawful hunting. Local legislative subcommittee recommends abolishing L8-3. Recommending that this act be abolished supports the waterfowl blind committee’s charge to explore ways to provide additional public hunting opportunities.

**L8-4.** Fairfax, King George, Prince William and Stafford counties. Other code sections (specifically 29.1-344) currently provide for the protection afforded landowners in section 1. Although slightly more restrictive than 29.1-344, this section is redundant and it is recommended that it be repealed. Sections 2, 3, and 4 are unnecessary and can be addressed through code sections 29.1-342, 15.1-518, and 15.1-518.1 and therefore should be removed from the code in an effort to simplify waterfowl regulations.

**L9-1.** Princess Anne County – Virginia Beach and certain defined areas. L9-1 makes the area within the corporate limits of the City of Virginia Beach a wildlife sanctuary. In addition, it also establishes several residential subdivisions around the eastern tributaries of Lynnhaven Bay as wildlife sanctuaries. According to this act it is illegal to shoot any type of weapon or to injure or destroy any type of wild animal in these wildlife sanctuaries. This act was written when the majority of present day City of Virginia Beach was Princess Anne County. Today the subdivisions described in this act are within the corporate limits of the City of Virginia Beach. According to Game Warden Sergeant James Pritchard, the City of Virginia Beach adopted a local ordinance that prohibits hunting in the areas described. Although removing this act will not provide additional hunting opportunity, the act is redundant and unnecessary. This act and L9-2 make other types of wildlife management, such as nuisance furbearer control or urban deer management, illegal. Subcommittee recommends abolishing this act in an effort to improve and simplify waterfowl blind laws and the code of Virginia.

**L9-2.** Certain areas in Kempsville Magisterial District. L9-2 establishes an area in east central Virginia Beach as a wildlife sanctuary and prohibits the discharge of weapons or the taking of wildlife within the sanctuary. The area described is heavily developed. It is doubtful that rescinding this act will increase hunting. The Virginia Beach city ordinance described above also prohibits hunting in this area. As with L9-1, rescinding this act will not result in additional hunting, however the act is redundant and unnecessary.

**L9-3.** Same – Shooting of waterfowl in certain waters prohibited. L9-3 prohibits waterfowl hunting in the eastern tributaries of Lynnhaven Bay. Hunting is already prohibited by City ordinance so it is doubtful that removing this act will increase hunting opportunities. Although developed, this area may have recreational hunting potential in the waters off First Landing State Park (formerly Seashore State Park). It is unusual that this act prohibits hunting on public waters. The act appears to be duplicated by City ordinance and is redundant and not necessary.

\*Side note: The Virginia Beach local ordinance that Sergeant James Pritchard described prohibits hunting in the remainder of Lynnhaven Bay. I think this is somewhat unique in the region. Other local cities (Hampton, Newport News) prohibit hunting but exempt hunting waterfowl over water.

### **Summary –**

The subcommittee recommends abolishing the local legislative acts. Several of these acts are not supported by code or reference code sections that do not exist. The Department of Game and Inland Fisheries supports regulating firearms for public safety but not regulations which prohibit lawful hunting. Some of these acts are contrary to agency philosophy and are impediments to hunting opportunities. Many of these acts are antiquated and are now duplicated by local ordinance. Their removal will simplify and improve the code of Virginia.

A suggested method of repealing these acts would be to Repeal Local Legislative Acts Part 8 in its entirety. L8.1 is the only section the subcommittee recommends keeping. This protection afforded by this section can be accomplished by amending 29.1-350, which would read with suggested amendments:

**29.1-350.** Exemption from application of article. – The provisions of this article shall not apply to the shores and public waters and marshes of Accomack and North Hampton Counties. However, in those localities ~~no person shall hunt migratory waterfowl, whether from a blind or otherwise, without having obtained a season license to hunt. It shall be unlawful for any person, without the written consent of the owner, to shoot from any duck blind belonging to another in the waters within the jurisdiction of the counties of North Hampton and Accomack. Nor shall any person, firm or corporation erect or build in said waters more than three such duck blinds. Any person violating any provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof~~